

# GENERAL INDEX.

FOR CLASSIFIED ARTICLES, SEE APPOINTMENTS; CORRESPONDENCE; COURT PAPERS; CURRENT TOPICS; IRELAND;  
LEADING ARTICLES; OBITUARY; PARLIAMENT; REVIEWS.

## A.

**ADAMIT, EVIDENCE BY**, 334  
*America*—See United States  
*Appeal, Court of*, Quorum of, 4  
*Appellate Jurisdiction Bill*, 714, 732  
 — Sir John Stuart on, 422  
 — Mr. F. Calvert, Q.C., on, 628, 680  
 — Mr. Justice Brett on, 799, 803  
 — Mr. Manisty on, 855  
*Appellate Tribunal*, 783  
*Appointments, Resignations, Vacancies, &c.*—  
*Amphlett, Sir R. P.*, appointed an Additional Judge of the Court of Appeal, 883  
*Anson, Sir W. R.*, appointed Examiner in the School of Jurisprudence at Oxford, 279  
*Baggallay, Sir R.*, appointed an Ordinary Judge of the Court of Appeal, 10  
 —, sworn as a Member of the Privy Council, 102  
 —, resigns Office of Counsel to University of Cambridge, 54  
*Barrow, F.*, appointed Judge of County Courts, Circuit No. 20, 862  
*Baylis, T. H.*, Q.C., appointed Judge of the Passage Court at Liverpool, 843  
*Becke, C. C.*, appointed District Probate Registrar of Northampton, 643  
*Bencher, New*, 279, 290  
*Bishop, J.*, appointed Stipendiary Magistrate at Merthyr Tydfil, 787  
*Blackburn, Hon. Sir Colin*, appointed a Lord of Appeal, 883  
 — created a Peer for Life, 936  
*Bowen, J. B.*, elected M.P. for Pembrokeshire, 686  
*Bramston, J.*, appointed an Assistant Under-Secretary of State for the Colonies, 727  
*Bramwell, Hon. Sir G. W. W.*, appointed an Additional Judge of the Court of Appeal, 883  
*Brett, Hon. Sir W. B.*, appointed an Additional Judge of the Court of Appeal, 883  
*Cave, Right Hon. S.*, appointed to proceed to Egypt on Financial Affairs, 97  
*Cohen, A.*, Q.C., appointed Judge of the Cinque Ports, 158  
*Cornish, T.*, appointed Registrar of Penzance County Court (Circuit No. 59), 611  
*Coroners*, 417, 550, 590, 611, 668, 885, 884, 885, 907  
*Cowie, Hugh*, nominated Chancellor of the Diocese of Durham, 196  
*Dassett, G. W.*, LL.D., receives Honour of Knighthood, 686  
*De Rutzen, A.*, appointed a Metropolitan Police Magistrate, 727  
*Druce, S. B. L.*, appointed Secretary to the London Farmers' Club, 338  
*Fitzgerald, G. A. R.*, appointed Secretary to Commission on Noxious Manufactures, 748  
*Fitzgerald, Right Hon. Sir W. R. S.*, appointed Chief Charity Commissioner, 97  
*Footner, G. M.*, appointed Registrar of Romsey County Court, 954  
*Fremantle, Hon. T. F.*, elected M.P. for Bucks, 908

## Appointments, &c. (continued)—

*Furley, W.*, appointed Registrar of Canterbury County Court (Circuit No. 40), 527  
*Giffard, Hardinge, Q.C.*, appointed Solicitor-General, 76, 78  
 — receives Honour of Knighthood, 97  
*Gordon, Right Hon. E. S.*, Lord Advocate of Scotland, appointed a Lord of Appeal, 884  
 —, created a Peer for Life, 936  
*Hannen, J. C.*, appointed Secretary to the President of Admiralty Division of High Court of Justice, 437  
*Hardy, A. E.*, appointed Standing Counsel to Commissioners of Woods and Forests, 237  
*Hassard, J.*, appointed Queen's Proctor, 745  
 — appointed Principal Registrar of the Province of Canterbury, 787  
*Hayward, W. W.*, appointed Registrar of Rochester County Court (Circuit No. 48), 874  
*Hemming, G. W.*, Q.C., appointed Standing Counsel to the University of Cambridge, 119  
*Hensman, A. P.*, appointed a Revising Barrister, 845  
*Hill, A. S.*, Q.C., appointed Deputy-Lieutenant for Staffordshire, 272  
*Holker, Sir John*, appointed Attorney-General, 76, 78  
*Holland, T. E.*, D.C.L., created a Knight of the Order of the Crown of Italy, 942  
*Howard, E. S.*, elected M.P. for East Division of Cumberland, 506  
*Howell, F. R.*, appointed Registrar of Aberdeenshire County Court (Circuit No. 30), 527  
*Hurlstone, E. T.*, appointed a Revising Barrister, 884  
*Hurst, K. H.*, returned M.P. for Horsham, 158  
*Ingham, J. T.*, appointed Chief Magistrate for the Metropolis, 723  
 — receives Honour of Knighthood, 769  
*Jackson, H. M.*, Q.C., succeeds to a Baronetcy, 277  
 —, Sir H. M. Bart., Q.C., appointed Deputy-Lieutenant for Monmouthshire, 686  
*Jenner, M. H.*, appointed District Probate Registrar at Gloucester, 629  
*Karslake, Sir J. B.*, sworn of the Privy Council, 437  
*Leighton, S.*, elected M.P. for North Shropshire, 279  
*Liddell, A. G. C.*, appointed Secretary to Unreformed Municipal Corporations Commission, 590  
*Local and Minor Appointments*, 10, 11, 29, 52, 78, 79, 96, 97, 119, 134, 139, 158, 159, 174, 185, 196, 216, 237, 259, 279, 297, 320, 338, 360, 378, 399, 417, 418, 437, 459, 477, 491, 492, 506, 527, 550, 570, 590, 611, 629, 643, 686, 710, 711, 727, 728, 748, 769, 804, 806, 856, 862, 874, 882, 884, 892, 896, 898, 929, 940, 954, 967  
*Manisty, H.*, Q.C., appointed a Judge of the Queen's Bench Division, 954  
*Mayors, Solicitor*, 29, 52, 78  
*Motteram, James, Q.C.*, appointed Judge of County Courts Circuit No. 21; 700, 710  
*Official Referees*, 297  
*Owen, Hugh*, appointed Assistant-Secretary to Local Government Board, 611  
*Paget, John*, appointed a Magistrate at the Hammer-smith and Wandsworth Police-courts, 748

## Appointments, &amp;c. (continued)—

- Parry, Edwin, appointed Joint-Registrar of Birmingham County Court (Circuit No. 21), 492
- Pauncefoot, Sir Julian, to be Legal Under-Secretary for Foreign Affairs, 711, 728
- Phillipotts, W. F., appointed a Commissioner to revise the Division of the Wards within the Borough of Wrexham, 898
- Queen's Counsel, 7
- Queen's Proctor, Vacancy of Office, 745, 824
- Raper, R. G., appointed Lecturer in Ecclesiastical and Psephical Law at Chichester Theological College, 550
- Read, C. F., appointed Registrar of Mildenhall County Court, 506
- Romaine, W. G., appointed a Member of the Superior Council of Egyptian Finance, 942
- Rothery, H. C., appointed a Wreck Commissioner, 942
- Rotton, J. F., appointed Assistant-Secretary to Local Government Board, 619
- Scotland, Legal Appointments in—See Scotland
- Sheriffs and Under-Sheriffs, 29, 52, 78, 79, 97, 119, 237, 259, 338, 360, 377, 378, 398, 417, 437, 748, 769
- Stenhouse, Hon. E., M.P., appointed Parliamentary Secretary to the Board of Trade, 158
- Slade, W., appointed Recorder of Penzance, 929
- Stephen, Sir A., appointed Lieutenant-Governor of New South Wales, 97
- Stephenson, A. K., appointed Procurator-General, 806
- Swabey, Dr. M. C. M., appointed Chancellor of the Diocese of Ripon, 237
- Town Clerks, 119, 179, 194, 196, 339, 360, 377, 492, 506, 550, 593, 611, 629, 806, 862, 907, 908, 951
- Wilde, C., appointed District Probate Registrar at Derby, 492
- Williams, B. F., appointed a Revising Barrister, 954
- Yorke, J. A., appointed Stipendiary Magistrate for the Borough of South Shields, 139
- Young, H. T., elected President of the Incorporated Law Society, 748
- Commissioners to administer Oaths and for taking Affidavits, 11, 52, 78, 119, 139, 196, 259, 360, 377, 459, 477, 492, 506, 570, 590, 611, 629, 643, 686, 710, 727, 728, 748, 769, 787, 806, 823, 874, 967
- Commissioners for taking Acknowledgments of Married Women, 29, 78, 279, 377, 399, 418, 477, 590, 769, 787, 806, 823, 884, 898
- Colonial and Indian—
- Bahama Islands, 259, 399, 769, 862
- British Columbia, 78
- British Honduras, 11
- Canada, 78, 506
- Ceylon, 459, 527
- Constantinople, 884
- Falkland Islands, 590
- Fiji, 570
- Gold Coast, 769
- Griqualand West, 279
- India, 196, 321, 417, 459, 506, 527, 593, 643, 668, 728, 769, 787, 806, 808, 823, 861, 898, 967
- Jamaica, 399, 668, 728
- Mauritius, 668, 954
- New South Wales, 11, 97, 593
- Queensland, 360, 806, 862
- South Australia, 52, 97, 159, 451, 477, 806
- Tasmania, 52, 308
- Tobago, 174
- Victoria, 174, 259
- Western Australia, 174
- Assize Courts, Cells in, 493
- Assizes, Trials at, 239
- Trial of Prisoners where no Winter Assize is held, 571, 588
- Athens, Corruption and Simony at, 474

## B.

- BALLOT ACT, THE, REPORT ON, 504
- Bankrupt Estate—Joint and Separate Estates, 254
- Bankruptcy—Debtor's Summons against Foreigner, 254
- Trustees in, 645
- Bill, 633
- Committee, the, Report of, 607, 626

## Bankruptcy (continued)—

- Bankruptcy Court, London, the Site of, 119
- Report of Comptroller, 550
- Bankrupts, Alphabetical Lists of, 17, 38, 64, 85, 106, 126, 145, 166, 186, 206, 225, 247, 264, 285, 305, 326, 346, 366, 384, 405, 426, 445, 464, 484, 496, 516, 535, 556, 576, 596, 616, 634, 656, 675, 695, 716, 735, 755, 775, 796, 816, 836, 852, 864, 876, 887, 900, 911, 932, 944, 956, 976
- Barristers' Benevolent Society, 340
- Fees Bill, 329, 409, 539, 545, 553, 649
- Bills of Exchange, Assimilation of the Laws and Practice of, 788, 824, 916
- Birmingham Law Students' Society, 53, 76, 119, 250, 257, 358, 398, 459, 492, 550, 589, 630, 666, 705, 768, 809, 92, 955
- Births, Marriages, and Deaths, 16, 38, 63, 84, 105, 124, 144, 164, 185, 204, 224, 246, 263, 284, 304, 325, 345, 363, 383, 403, 424, 444, 464, 482, 496, 516, 533, 555, 575, 594, 615, 633, 654, 673, 694, 716, 734, 753, 774, 795, 814, 834, 850, 864, 875, 886, 900, 910, 930, 944, 956, 975
- Block in the Law Courts, 581, 583, 588, 599, 614, 728, 789, 825
- Board of Trade, Solicitor to, 808
- Boulogne Petition, the, 477
- Bravo Inquest, 563, 571, 579, 659, 819, 856
- Breach of Promise, 790
- Brisbane, Parliamentary Shorthand Cadet Class, 892

## C.

- CALVERT, F. Q.C., ON THE APPELLATE JURISDICTION BILL, 628
- Cambridge University, 102, 262
- Cases discussed—See Recent Decisions
- of the Week—See List
- Chancery, Court of, Accounts of the Paymaster-General, 1874-5, 824
- Division, Block in, 581, 583, 588, 599, 728, 789, 825
- Proceedings, 162, 828, 843, 859, 871, 882, 897, 908, 919, 941, 953, 965
- Short-hand Notes of *vide voce* Examination, 255
- Chancery-lane, the Widening of, 439, 929
- Charity Commission, 23
- Annual Report, 436
- Christian, Lord Justice, on the Irish Equity Courts, 373, 375
- on Law Reporting, 541
- on the Irish Judicature Bill, 552
- Churchwardens, Law of, 629
- Circuits, New, Order in Council as to, 301
- Coleridge, Lord, on the Working of the Judicature Acts, 805
- Collisions at Sea, 421
- Common Pleas Division, 262
- Commons Preservation, 612
- Compositions, the Dangers of, 116
- Contempt—Intimidation, 645
- Contingent Remainders—Draft Act prepared by Mr. Joshua Williams, Q.C., 916, 920, 954
- Coroners' Law, 8
- Singular Difficulty, 803
- Appointment of, 640
- Singular Verdict, 9
- Salaries of, 683
- Correspondence—
- Accountants and bankruptcy proceedings, 954
- Advertisements, 611
- by Administrators and others, 457
- Advertising Practitioners, 11, 96
- Appearance Elsewhere, 158, 215, 237
- Auction, Country Sales by, 527, 540, 549, 600
- Barristers before the Chief Clerks, 1, 89, 93, 96
- Brown on Fixtures, 433, 459
- Building Societies Act, 1874; 133
- “Card, A,” 457
- Certificate Duty, 786, 806
- Commissioners for Affidavits, 475
- Fees of, 319
- to administer Oaths, 76, 118
- Powers of, 215, 237
- Construction, A Question of, 710
- Contingent Remainders, 916, 920, 954
- Costa, 862

Correspondence (continued)—

Costs in the County Courts, 873, 883  
County Courts, 76  
— Act, 1875; 96  
— Service of Default Summons, 113, 153  
County Court Costs, 418  
— Costs under £20, 438  
— Judges as Special Referees, 553, 565  
— Rules, the New, 457  
Courts, the, Arrangements of, 565, 587  
Criminal Procedure under the Judicature Acts, 920  
Default Summons, 279  
"Devilling," 355, 377  
Elections, Paid Canvassers at, 438  
Irish Agencies, 195  
— Civil Bill Courts, Chairmen of, 395  
Judges' Chambers, 279, 549, 566  
Judgment by Default, 475  
Jury Trials in London and Westminster, 786  
*Law Reports*, the, 138  
Married Women's Separate Estate, Liability of, 858, 873  
Mortgage, 215  
Mortgages and Fire Insurance, 236, 255, 296  
New Hamburg and Brazilian Railway Company, 138  
Notice of Appearance Elsewhere than where the Writ is issued, 158, 215, 237  
Official Referees, 296  
Parliament and the Colonies, 643  
Place of Trial, naming, 255  
Pleadings, Allowance for printing, 138  
Practice, New—How Figures are to be counted, 11  
Proctors' Monopoly in the Court of Arches, 526  
Query, A, 897, 909  
Registrars' Office, 174  
Rules of the Superior Court, February, 1876; 418  
Searches, 920  
Service of Writs in Ireland, 356  
Sham Legal Process, 377  
Signing Judgment for Recovery of Specific Goods, 174  
Solicitors and the Bar, 309, 319  
— of the Supreme Court, 438  
— University Education for Solicitors, 915, 936, 954  
Stamps on Notices to Quit, 377  
Statement of Defence and Statement of Claim, 237, 429  
Summons for Judgment under ord. 14, r. 1; 611  
Summonses in the Chancery Chambers, 236  
Trade-Mark Societies, 215  
Vendor and Purchaser Act, 1874; 195, 319, 356  
Writ by Partners under Bills of Exchange Act, 862  
Counsel, Conduct of, 849  
— and the Chief Clerks, 1, 89, 93, 96  
County Courts, 470  
— Judges and Trades Union Societies, 29, 54  
— Judges as special referees, 553, 565  
— Proceedings in, 13, 61, 103, 283, 362, 421, 480, 531, 617, 714, 793  
— Rules, 1876; 462  
Court Papers—  
Bankruptcy Court, 83  
Chambers of the Master of the Rolls, 33  
Chancery Division, 123, 144, 200, 303, 381, 463, 481, 650, 652, 673, 693, 715, 732, 751, 771, 793, 812  
Circuits, New, Order in Council as to, 301  
— Spring, 325  
— Summer, 650, 673  
Common Pleas Division, 202, 203, 495, 632  
County Courts, 83  
County Court Rules, 1876; 462  
Court of Appal, 15, 200, 203, 325, 380, 495, 513, 650, 652  
"European" Arbitration, 752  
Exchequer Division, 203, 495, 632  
Fees and Per-centages, Order as to, 500, 509  
High Court of Justice, 13, 62, 83, 104, 263, 494, 631, 885, 943  
— New Rules of Court, 123, 722—See also Supreme Court  
Judges' Chambers, 122  
Judicial Committee, 303  
Lancashire Winter Assizes, 83  
— Spring Assizes, 344  
— Summer Assizes, 693

Court Papers (continued)—

Land Transfer Act, 1875, Rules and Orders, 211, 221, 243  
Merchant Shipping Act, 1876, Rules under, 942, 968  
Official Referees, Fees of, 380  
— Notice as to, 413  
Probate and Divorce Registries, 771  
Queen's Bench Division, 202, 494, 631  
Revising Barristers, Order in Council as to, 751  
Rolls Court, 303, 653  
Rules of Court, the New, 123, 722, 972  
Summer Assizes, 650, 673  
Supreme Court, 102, 350, 481, 630, 722  
— Rules as to Solicitors, 15, 33  
— Rule, February, 1876; 379  
— June, 1876; 731  
Trade-Marks Registration Act, 1875, Rules under, 178  
Courts of Justice, Military Etiquette in, 825  
— Law, Block in the Business of, 581, 583, 588, 728, 789, 825  
Crime, Decrease of, 532  
*Cronhelm's case*, 586  
Crossed Cheques, 134, 192, 197, 319, 330  
Current Topics—  
Admiralty Appeals, 891  
— Decisions, Two Recent, 189  
Advertisements under 22 & 23 Vict. c. 32; 450  
Agricultural Holdings Act, 581  
— How far has it come into Operation? 499  
Appeal, Competence of Judge to sit on, from Decision of Divisional Court of his Division, 129  
— the Court of, 21  
— the Lord Chancellor and the Court of, 21  
— Court, Work of the, 349  
— Final Court of, 289, 330, 679  
— Lords of, 309  
Appeals, Costs of, 69, 500  
Appellate Jurisdiction Bill, 468, 799  
— Amendments to, 718  
— Mr. Colvert, Q.C., on, 628, 680  
— Mr. Manisty on, 800  
— Mr. Justice Brett on the New Clauses, 799, 803  
Appellate Jurisdiction Act, the Judicial Appointments under, 879  
Arbitration Causes, 579  
Arbitrator, Alleged Partiality of, 69  
Archibald, Mr. Justice, the late, 947, 954  
Assessors under the Judicature Act, 1873; 430  
Assizes and Sessions, 621  
Assizes, Trial of, of Issues from the Chancery Division, 739  
Attorney-General, the, 1, 41  
Attorneys and Solicitors Act, 1870; 41  
Auction, Country Sales by, 527, 540, 549, 600  
Auctioneer and Solicitor—A West of England Custom, 488  
Balham, the, Inquest, 571, 579, 659, 819, 856  
Ballot Act, Report of Committee on, 499  
Bankers' Books Evidence Bill, 680  
Bankruptcy Act Amendment Bill, 389, 600  
— Cases in Japan, 541  
— Rules of 1873; 21  
— Solicitors for Trustees in, 700  
Bar, the, Examination of Students for, 640  
—, Restrictions on the Calls of Solicitors to, 309, 319  
"Bare Trustee," a, 249  
"Baron," or "Mr. Baron," 891  
Barristers' Fees, 329, 409, 539, 545, 649  
— "In Two Places at Once," 619  
Brave case, 571, 571, 579, 659, 819, 856  
— Treasury Inquiry into, 579  
Brett, Mr. Justice, on Fighting, 370  
Brussels, List of Advocates, 210  
Burglary and Forgery, Trial of, at Quarter Sessions—  
Mr. Forsyth's Bill, 370  
Cause List for Easter Sittings, 500  
Certificate Duty, 800  
Chairman of Public Meeting, Rights and Liabilities of, 129  
Chancellor, the, and the Court of Appeal, 21  
Chancery, Court of, Work of, 1874-5; 21  
— Chambers, 269  
— Division, Business of the, 170

## Current Topics (continued)—

- Chancery Division—An Imaginative Parliamentary Return, 915  
 — Business of, 270  
 — Cause List, 959  
 Channel Tunnel Act, 620  
 Cheques, Crossed, 134, 192, 197, 229, 324, 330, 361, 369, 828  
 Circuit System, the, 236  
 Circuits, Alterations in, 229  
 — the New, 290  
 — the, Business on, 369, 639  
 — Summer, Time of Commencement of, 558  
 Codification, Mr. Herschell on, 935  
 Coinage Laws, 450  
 Commissioners to take Acknowledgments, 740  
 — to administer Oaths in the Supreme Court in England, 209  
 Common Law Divisions, Arrangement of Business in the, 639, 660  
 Conditions of Sale, 579, 719  
 Contempt of Court, 739  
 Contingent Remainders, 916  
 Copyholders, Rights of, in Minerals, 903  
 Coroner. Decision of the Queen's Bench Division in *Reg. v. Carter*, 679  
 Coroners' Juries, Adjourning, to the Assizes, 109  
 Coroners, Mr. Herschell's Suggestions on, 935  
 Costs of Appeals, 69  
 — of Solicitor of Official Liquidator, 70  
 — Inflicting, on Defendant against whom no Relief is given, 349  
 Costs—See Taxation  
 Counsel and the Chief Clerks, 1, 89, 93, 96  
 — Signature of, to Pleadings, 229  
 County Court Appeals, 249  
 — Judges, 903  
 — Registrars, Remuneration of, 559  
 — Returns, 867  
 Covenant to use House as Private Dwelling only, Construction of, 429  
 Cross-examiners, Licence of, 855  
 Crossed Cheques, 134, 192, 197, 229, 330, 369  
 District Registrars, the New Powers of, 720  
 Dog Case, an American, 839  
 Ecclesiastical Law, a Lecturer on, 541  
 Enrolment of Decree, Effect of, 720  
 Elections, Interference of Lords Lieutenant at, 699, 704  
 Employers' Liability for Injuries to Servants, 891  
 Evidence. Licence of Cross-examiners, 855  
 — Hearsay, 109  
 — *vis à vis*, Judge of Chancery Division on, 409  
 Execution without Judgment, 581  
 Extradition between England and the United States, 449  
 — Dispute, Hon. W. B. Lawrence on, 839, 846  
 Fees and Per-centages, Order as to, 500, 509  
 Final Examination, the, 350, 620  
 France, Rights of Counsel for Defence in, 449  
 Fugitive Slaves, New Circular on, 169, 329  
 General Retainers, 449  
 Great Seal, is the, to be altered? 429, 437, 478  
 Harcourt, Sir W., on Barristers and Solicitors, 230  
*Haves v. Fawcley*, Decision in, 640  
 Hearsay Evidence, 109  
 Herschell, Mr., Q.C., on Codification, 935  
 High Court, Business of, 519  
 Hilary Sittings, 109  
*Hovos v. Board of Inland Revenue*, 270  
 Incorporated Law Society, Final Examination, 620, 783, 879, 912  
 —, Provincial Meeting of, 879  
 India—Is the Great Seal to be altered? 429, 437, 478  
 Interrogatories, 468  
 — Delivery of, before Statement of Defence, 237, 429  
 Irish Judicature Bill, Debate on, 630  
 — Solicitors, Title of, 409  
 Issues from the Chancery Division, 759, 760, 772  
 Japan, Bankruptcy Cases in, 541  
*Jenkins v. Cook*, 309  
 Joint Stock Companies, Registry of, 519  
 Judge, The new, 947  
 Judges' Chambers, 539, 822, 898  
 — Reporters at, 289, 309

## Current Topics (continued)—

- Judges' Chambers, Equity, 559  
 — an Intermediate Set of Judges, 883, 903  
 — Interested, 89, 501  
 — Mode of addressing, 230  
 Judges and Serjeants, 959  
 Judicature Act, Effect of, on Legal Business, 480  
 — the, Mr. Watkin Williams's Amendment as to making Rules under, 799  
 — Mr. A. E. Millar, Q.C., on the Judicature Acts, 947  
 — Amendment Bill, 1876; 467  
 Judicial Criticisms of the Legislature, 231  
 Jury Box, the, at the Rolls, 780  
 — Cases in the Chancery Division, 467, 579, 780  
 Justices' Clerks, Fees to, 69, 170  
 Land Transfer Act, 1875; 169, 487  
 — Rules under, 189  
 Lands Clauses Act, s. 25, References under, 541  
 Law Courts, New, 621, 955  
 — Officers, the, 1, 41  
 — Knighting of, 370  
 Law Reports in the Daily Papers, 270  
 Lawrence, the Hon. W. B., on the Extradition Dispute, 839, 846  
 Lawyers' Fees, 699  
 Lease, Destination of Fund for Renewal of, on Refusal of Lessor to renew, 720  
 Legal Education, Council of, 69, 89, 113, 189  
 — Prospectus of, 189  
 Legal Education, the Place of Constitutional History in, 89  
 Legal Journalisms, an Episode in, 947  
 — Practitioners, Unqualified, 868  
 Legislation of the Coming Session, 269  
 Legitimate Issue, 269  
 Licences, Refusal of, under the Wine and Beerhouse Act, 1869; 69  
 Licensing Appeals, 959  
 Liquidation, the Dangers of, 41  
 Local Government Board, 619  
*London Gazette*, the, 640  
 Maintenance, 947  
 Malins', Vice-Chancellor, Court, Alterations in, 290  
 Manisty, Mr., Q.C. on the Appellate Jurisdiction Bill, 855  
 Masters, the, Conflicting Decisions of, 903  
 Mayor's Court, Judgment Summonses issued by, 269  
 Merchant Shipping Bill, 560  
 — Act, Rules under, 935  
 Michaelmas Sittings, the *Times* and, 189  
 Millar, A. E., Q.C., on the Judicature Acts, 947  
*M. Moxham*, the, Case of, 349  
 Motions behind the Bar on the Last Day of Sittings, 468  
 Negligence, Action by Executor of Person killed by, for Damage to the Estate, 915  
 New Trial Paper, 150  
 Norwood's, Mr., Bill, 329, 409, 545, 553  
 — the Debate on, 539  
 — "In Two Places at once," 619  
 Nullity of Marriage, Interest of Parents in petitioning for, 665  
 Official Referees, 209, 249, 289, 310, 339, 396, 499, 559, 579, 599, 606, 614  
 — as Assize Commissioners, 410  
 Official Referees' Fees, 369, 380  
 Paris, the Faculty of Law at, 820  
 Parliamentary Agents, 684, 687, 699, 759, 773, 779, 785, 787, 831  
 — and Solicitors, Division of Fees between, 779  
 Parties, Change of, by Death, 149  
 Partition Act, 1868, 110  
 — Amendment Bill, 350, 640  
*Perkins v. Yorkshire Engine Company*, 69  
*Phillimore v. Macon*—Ecclesiastical Jurisdiction over the Laity, 739  
 Pleading, the System of, Results of, 289  
 Pleadings, Striking out, for Impertinence, 619  
 Preliminary Examination, Orders dispensing with, 259  
 Prisoners' Evidence, 760, 773  
 Private Bills, Referees on, 410  
 Procedure, the, Progress of, 1  
 Proctors under the Judicature Acts, 149

Current Topics (continued)—

Profession, the, Suggestions for Improving, 409  
Quain, Mr. Justice, the late, 879  
—and Legal Education, 903  
Queen's Bench Division on the Judicature Acts and Rules, 467  
— Counsel, an Advertising Irish, 487, 519  
Railway Commissioners, the, 450, 520  
— Passenger Duty, 867  
Railways—Special Trains, 580  
Receiver, Appointment of, 130, 390  
Record and Writ Clerks' Office, Writers at, 491, 679  
Referees, Special, 540, 553  
Renewal of Leaseholds, Mode of Dealing with Funds for, where Renewal has become Impossible, 839  
Reported Decisions, the Master of the Rolls on, 600  
Retainers, General, 449  
"Reverend," the Title of, 249  
Rhodes v. *Airedale Commissioners*—Statutory Omissions, 129  
Rolls, the, Block at, 581, 583, 588, 599, 728, 789, 825  
Rules, the New, 349, 679, 699, 720, 722  
— Delay in Issuing, 369  
— of Court, Power of Making, 679, 699, 720, 722  
Sale under Distress of Crops which Tenant has Covenanted to Consume on the Farm, 959  
Saturday Half-Holiday, 350, 360  
School of Law Bill, 519, 529  
Settled Estates Act, 1876; 779  
Sittings in *Banco*, Proposed Abolition of, 719  
Slave Circular, the New, 644, 819, 833  
Solicitor-General, the, 1, 41  
— the *Spectator* on, 249  
Solicitors, Regulations with Reference to, 1  
— Orders dispensing with Preliminary Examinations, 250  
— Roll of, 21  
— Calls of, to the Bar, Restrictions on, 309  
— Right of, to Practise in the Court of Arches, 409  
— and the Provincial Courts of Canterbury and York, 819  
— University Education for, 915, 936, 954  
Solicitor to the Treasury, the New Assistant, 429  
Special Retainers, 310, 759  
Special Trains, 580  
Statutes, Marginal Notes to, 639  
Statutory Omissions, 129  
Sugden v. *Lord St. Leonards*, 132, 371, 389  
Sunday Observance Acts, 659  
Taxation of Costs of Third Brief, 2  
Taylor v. *Taylor*, 760  
Tenant of Semi-detached House, Rights of, as against his Neighbour, 855  
Trade-Marks Registration Act Amendment Bill, 659, 700  
Trustee Relief Act, 1850; 467  
Trustees, Responsibility of, 449  
— of Schools, Liability of, for Acts of Scholars, 249  
Trusts, Secret, and the Mortmain Act, 879  
Tugwell v. *Grant*, Counsel's Letter in, 599, 605  
Vacation Business, 935, 960  
— Judge, 759, 867, 891  
— Sittings, 820, 935  
Vendors and Purchasers Act, 1874, s. 4; 330  
— s. 5; 209  
— Birmingham Law Society on Section 5; 250  
— Repeal of Section 7; 169  
Verry's, Mr., Appointment, 310, 321—See also Official Referees  
Vesting of Hereditaments on Death of Bare Trustee, 170  
Weekly Reporter, the, 560  
Wills of Living Persons, the Depository for, 90  
Winslow Extradition Case, 539—See also Extradition  
Winter Assizes Bill, 740  
Woods and Forests, Clerks in the Solicitor's Office of, 880  
Writs, Service of, in Ireland and Scotland, 487, 519

D.

DEBTOR'S SUMMONS, 316

Decisions, Recent, Discussed—

Abduction (*Reg. v. Prince*, C.C.R., 24 W. R. 76), 295

Decision, Recent, Discussed (continued)—

Accessory to Manslaughter (*Reg. v. Taylor*, C.C.R., 23 W. R. 616), 8  
Administration *durante Absentia* (*In the Goods of Grant*, Prob.D., 24 W. R. 929), 822  
Admiralty Jurisdiction—Maritime Lien (*The Dannebrog*, Adm.D., 23 W. R. 419), 314  
Advertisements by Administratrix under 22 & 23 Vict. c. 35, s. 29 (*Newton v. Sherry*, C.P.D., 24 W. R. 371), 394  
Ancient Lights—Angle of 45degs. (*Theed v. Debenham*, Ch.D., 24 W. R. 775), 685  
Arbitration (*Lewis v. Rossiter*, Ex.D., 23 W. R. 833), 274  
Bankrupt Trustee, Removal of (*Re Barker's Trusts*, Ch.D., 24 W. R. 264), 375  
Charging Order on "Property Recovered" (*Birchall v. Pugin*, C.P.D., 23 W. R. 923), 156  
Cheque—Payment on Forged Indorsement (*Guardians of Halifax Union v. Wheelerright*, Ex.D., 23 W. R. 704), 156  
Child en *Ventre sa Mère* (*Re Emery's Estate*, Ch.D., 24 W. R. 917), 763  
Covenant in Lease of Public-house not to Forfeit Licence (*Wooler v. Knott*, Ex.D., 24 W. R. 615), 643  
Custom to Play Games (*Hall v. Nottingham*, Ex.D., 24 W. R. 58), 354  
Condition Precedent as to Marriage with Consent (*Dawson v. Massey*, M.R. & C.A., 24 W. R. 340), 940  
Description of Parties in Contract for Purchase of Real Estate (*Thomas v. Brown*, Q.B.D., 24 W. R. 821), 896  
Divorce, Effect of, in Marriage Settlement (*Fitzgerald v. Chapman*, Ch.D., 24 W. R. 130), 490  
Equities affecting Purchased Property (*Phillips v. Miller*, Ex.Ch., 23 W. R. 834), 314  
Executor's Costs in Administration Suits (*Smith v. Cremer*, Ch.D. 24 W. R. 51; *Heugh v. Seard*, Ch.D., 24 W. R. 51), 433  
Felony of Carrier's Servant (*Macqueen v. Great Western Railway Company*, Q.B.D., 23 W. R. 698; *Drayson v. Horne*, Q.B.D. 23 W. R. 793), 115  
Fund for Renewal of Lease (*Maddy v. Hale*, Ch.D., 24 W. R. 452), 523  
General Average (*Macro v. Ocean Marine Insurance Company*, Ex.Ch., 23 W. R. 758), 156  
Insurance, Marine—Concealment of Loss between Acceptance of Risk and Making of Policy (*Lishman v. Northern Maritime Insurance Company*, Ex.D., 23 W. R. 733), 136  
Interest on Debts under 3 & 4 Will. 4, c. 42, s. 28 (*Geake v. Ross*, C.P.D., 23 W. R. 658), 334  
Interest on Debts under 3 & 4 Will. 4, c. 42, s. 28 (*Duncombe v. Brighton Club, &c., Company*, Q.B.D., 23 W. R. 795), 334  
Liability of Furniture Removers (*Seafie v. Farrant*, Ex.Ch., 23 W. R. 840), 274  
Liability of Railway Company as Warehousemen (*Mitchell v. Lancashire and Yorkshire Railway Company*, Q.B.D., 23 W. R. 853), 274  
Liquidator, Powers of (*Re Metropolitan Bank and Jones*, M.L., 24 W. R. 815), 907  
Married Woman's Separate Property (*National Provincial Bank of England v. Thomas*, Ch.D., 24 W. R. 1013), 858, 873  
Memorandum of Association, Subscriber to (*In re Tally-Dries State Company*, Ch.D., 24 W. R. 92), 433  
Mortgagee's Covenant not to call in (*Haywood v. Gregg*, Ch.D., 24 W. R. 157), 415  
Payment into Court by Assurance Company under the Trustee Relief Act (*In re Haycock's Policy*, Ch.D., 24 W. R. 291), 353  
Privilege of Witness from Action for Slander (*Dawkins v. Lord Rokeby*, H.L., 23 W. R. 931), 335  
Rate-book, Right of Occupier to be Entered in (*Smith v. Overseers of Seghill*, Q.B.D., 23 W. R. 745), 137  
Sale of Trust Property Conjointly with Property not Subject to the Trust (*Morris v. Debenham*, Ch.D., 24 W. R. 636), 763  
Settled Estates Acts (*Taylor v. Taylor*, Ch.D., 23 W. R. 947; *Ex parte Taylor*, Ch.D. L. R. 1 Ch. D., 426), 472  
Special Credit (*Morgan v. Larivière*, H.L., 23 W. R. 537), 8

Decisions, Recent, Discussed (*continued*)—

- Time for Delivery (*Bergheim v. The Blaenavon Iron and Steel Company*, Q.B.D., 23 W. R. 618), 50  
 Vesting Orders under the Trustees Act, 1850 (*Re Daglish's Trusts*, Ch.D., 24 W. R. 53), 155  
 Wrongful Landing of Goods under the Merchant Shipping Act, 1863, s. 67 (*Middbrodt v. Fitzsimon, The Energie*, P.C., 23 W. R. 932), 353  
 Durham Assizes—Repression of Deeds of Violence, 142

## E.

- ECCLESIASTICAL JUDGE, SALARY OF, 861  
 Egypt, International Court in, 283  
 Elections, Interference of Lords Lieutenant at, 699, 704  
 "European" Arbitration Orders, 1st July, 1876; 752  
 Exeter Assizes, 669  
 Extradition Dispute, Hon. W. B. Lawrence on, 839, 846

## F.

- FIJI, SUPREME COURT OF, 139  
 France, Land Transfer in, 357  
 — Legal Intelligence, 509, 939  
 French Bar, the Early, 401  
 Fugitive Slaves Commission, 321, 681  
 — Report, 614  
 — Circular, New, 819, 833  
 Funds, Stocks, Shares, and Money Market, in each number

## G.

- GAZETTES, LONDON, 16, 38, 63, 84, 105, 125, 145, 164, 186, 204, 225, 247, 263, 284, 304, 325, 345, 364, 383, 403, 424, 444, 464, 482, 496, 516, 533, 555, 575, 595, 615, 633, 654, 674, 694, 734, 753, 774, 795, 814, 834, 850, 864, 875, 886, 900, 910, 931, 944, 956, 975  
 German Law, Notes of Current, 831  
 — Maritime Law, 532  
 — Penal Code, 160  
 Gloucester District Registry, 564  
 Gray's-inn, 825  
 — Moots, 352, 509  
 Great Seal, Inscription on, 429, 437, 478  
 Guildford Assizes, Presentment at, 711

## H.

- HIGH COURT OF JUSTICE, BUSINESS HOURS OF OFFICES, 119  
 Home Circuit, the Late, Meeting of Members of, 318  
 Hull Law Students' Society, 378

## I.

- IMPRISONMENT FOR DEBT, MR. J. W. SMITH, Q.C. 569  
 Incorporated Law Society, 687, 706, 725, 873  
 Admission of Solicitors, 143, 220  
 Annual Report of the Council, 706  
 — General Meeting, 725  
 — Provincial Meeting, 620, 788, 879, 921  
 Visit to Oxford, 936  
 Parliamentary Agents, Petition on, 787  
 Suggestions for the Amendment of the Judicature Act, 1875: 746  
 Examinations—  
 Intermediate, 82, 142, 461  
 Final, 82, 142, 199, 301, 324, 343, 363, 461, 594, 630, 899, 909, 930  
 Preliminary, 142  
 Indian Civil Service, Legal Education for, 434  
 Inns of Court—  
 Inns of Court Bill, 562  
 Calls to the Bar, 62, 262, 551, 693  
 Terms to be observed at, 296, 337  
 Michaelmas Examination, 1875; 14  
 Hilary Examination, 221

Inns of Court (*continued*)—

- Easter Examination, 508  
 Trinity Examination, 649  
 Examination for Pass Certificates, 343  
 Rules for Examination of Candidates for Pass Certificates, 833  
 Scheme of Lectures, Hilary Educational Term, 198  
 — Baster and Trinity Course, 493  
 Prospectus of Lectures, Easter and Trinity Terms, 494  
 Michaelmas Course of Lectures, 811  
 Legal Education, Council of, 69, 89, 113, 189  
 Pupils Scholarships at the Inner Temple, 250

## Ireland—

- Appointments, New Law, 7, 29, 119, 216, 237, 279, 297, 643, 727, 728, 769, 862  
 Attorneys and Solicitors' Society, 589  
 Christian, Lord Justice, on the Equity Courts, 373, 375  
 — on Law Reporting, 541  
 — on Irish Judicature Bill, 552  
 Civil Bills Court Bill, 392, 395  
 — Meeting of the Bar on, 376  
 Common Law Bench, 233, 252  
 — Pleas, Vacant Judgeship, 823  
 Judicature Bill, Irish, 413, 567, 667, 680, 710  
 Juries, Irish, 767  
 Land Tenure, 443  
 Legal Intelligence, 9, 239, 252, 262, 493, 550, 570, 600, 667, 669, 862, 929  
 Legal Practitioners Bill, 649  
 Local Government and Taxation Commission, 862  
 Queen's Counsel, an Advertising, 487, 519  
 Recorder of Dublin, Address to, 491  
 Sullivan, Mr., and the Irish Benchers, 239  
 Title of Irish Solicitors, 409  
 Writs, Service of, 356, 487, 519, 531, 603  
 Issues, Chancery, Trial of, at Asizes, 759, 769, 772  
 Italy—The New Minister of Justice, 439

## J.

- JAPAN, PRESS LAWS IN, 470  
 Jersey, 82  
 Judges' Chambers, 892, 898, 909  
 — Business in, 219  
 — Notes of Cases, 5, 30, 54, 79, 97, 120, 139, 160, 177, 198, 217, 240, 259, 279, 297, 320, 340, 713  
 — Notes, 360  
 Judgment in Default, Entering, in the Chancery Division, 583  
 Judicature Act, 1875, Suggestions for the Amendment of, by the Incorporated Law Society, 746  
 — Acts—Despatch of Business, 160  
 — Lord Coleridge on the Working of, 805  
 — Effect of, 807  
 Judicial Expenditure, 1872-3, 435  
 Juries, Irish, 767  
 Jurors, Complaints of, 769  
 Jurymen, 509  
 Justices' Clerks' Society, 76, 175

## K.

- KENEALY, DR., AND GRAY'S-INN, 211, 503  
 King's College, 642

## L.

- LAND TRANSFER ACT, GENERAL RULES, 221, 243  
 Law Amendment Society, 27, 52, 220, 521, 589, 803  
 — Association, 12, 96, 196, 278, 359, 459, 529, 570, 600, 725, 787  
 — Students' Debating Society, 12, 33, 53, 119, 139, 394, 416, 439, 459, 477, 507, 529, 550, 570, 589, 609, 643, 666, 687, 705, 725  
 Law Courts, The New, 621, 955  
 Lawrence, Hon. W. B., on the Extradition Dispute, 838, 846  
 Law Union Fire and Life Insurance Company, 416  
 Lawyers' Fees, 329, 409, 539, 545, 553, 649

## Leading Articles—

- Agricultural Holdings Act as it affects Landowners, 191, 212, 234  
 — how to exclude the Act, 253  
 Appellate Court Bill, the Lord Chancellor's, 313  
 Arbitration under the Lands Clauses Act, 661  
 Bankruptcy Bill, 641, 660, 682  
 Bill of Lading deliverable to Order, Effect of taking, 133  
 Chancery Actions, Trial of, at Assizes, 800  
 — Division, the Block in, 740  
 Charter-party, Clause of Exemption in, 48  
 Christian, Lord Justice, on the Irish Equity Courts, 373, 375  
 Civil Bill Courts (Ireland) Bill, 392  
 Commons Act, 936  
 Compositions by Partnerships, 49  
 Coroner—*Writ ad Melius Inquirendum*, 563  
 Costs, Security for, by Party resident out of Jurisdiction, 563  
 County Court Appeals, 641  
 — Consolidated Rules, 6  
 Covenant for Support, Implied, 602  
 Crossed Cheques, 134, 192, 197  
 — the New Law as to, 960  
 Demurrers, 582  
 Evidence Code, an English, 856, 869, 880, 894, 905, 937, 949  
 Executor's Right of Retainer, Effect of Recent Legislation on, 352  
 Extra-territoriality of Ships of War, 681  
 Felony by Servants of a Carrier, 333  
 Fugitive Slaves—See Extra-territoriality  
 Infants, Maintenance of, 432  
 Injuries arising from Breach of Duty towards Third Persons, 153  
 Irish Common Law Bench, 233  
 — Judicature Bill, 413  
 Judicature Acts, the, Some Results of the First Year of, 821, 840  
 Judicial Discretion, 841  
 — Statistics, 1874; 114, 135, 153, 173, 193, 213  
 —, 1875; 917, 964  
 Justices, Disqualification of, through Interest or Bias, 501  
 Land Transfer Act, 1875, Rules under, 211  
 Legislation of the Year, 893, 904, 918, 948, 961  
 Liability for Acts of Animals, 253  
 Local Boards, Election of, 700  
 Married Woman's Conveyance, Dispensing with Concurrence of Husband to, 882  
 Mortgages, Consolidation of, 471  
 Murder, the Law of, 171  
 Negligence, Contributory, of Railway Passengers, 93  
 — of Fellow-servants, 489  
 Parliament and the Colonies, 601  
 Partition Act, 1868; 73  
 Priority by Registration, 452  
 Privilege from Distress for the Benefit of Trade, 293  
 Quarter Sessions Chairmen, 74  
 Quarter Sessions, Civil Jurisdiction of, 742  
 Railway Companies, Punctuality of, 720  
 Remoteness, the Principle of, as applied to Damages to Real Property, 760  
 Reputed Ownership, 393, 414  
 Rescission of Contract under the Statute of Frauds, 27  
*Respondent Superior*, 780  
 Retainer, the Law of, 470  
 Rolls Court, the, Block at, 581, 583, 588, 599  
 Sale by Provisional Liquidator, 863  
 Shareholder, Remedy of, under Section 38 of Companies Act, 1867; 113  
 Spirits and Conjuratation, the Law as to, 916  
 Substituted Performance of Contract under the Statute of Frauds, 273  
 Supreme Court of Appeal, 621  
 Through Carriage and Through Tickets, 5  
 Trustees and the Agricultural Holdings Act, 453  
 Wagering Deposit, Recovering from Stakeholder of, 623  
 Waste, Permissive, 622, 643  
*Writ ad Melius Inquirendum*, 563  
 Legal Departments Commission, 402  
 — Discussion Society, 96

- Legal Education, Council of, 69, 89, 113, 139  
 — Practitioners Bill, 644, 649  
 — Practitioners' Society, 278  
 Legislation of the Year, 893, 904, 918, 948, 961  
 Legislative Expression, 439  
 Liverpool Assizes, Proceedings, 811  
 London—Lord Chief Justice and the Freedom of the City, 421  
 — Sittings, Proceedings, 321  
 Lowndes, R., on the Maritime Contracts Bill, 1876; 572

## M.

- MAGISTRATES, BOROUGH, SOLICITORS AS, 470  
 Man, Isle of, 378  
 Manchester Incorporated Law Association, 357  
 Maritime Contracts Bill, 1876; 572  
 Mayor's Court, Jurisdiction of, 338  
 Midland Circuit, 762  
 Militia Laws, 586  
 "Moving the Court," 152  
 Municipal Corporations Commission, 502

## N.

- NATIONS, LAW OF, ASSOCIATION FOR THE REFORM AND CODIFICATION OF, [BILLS OF EXCHANGE], 783  
 — Programme of the Conference at Bremen, 1876; 824  
 — Meeting at Bremen, 916  
 Nautical Assessors, 296  
 New Zealand, Delay of Justice in, 594  
 Norwich Commission of the Peace, 262  
 Norwood's, Mr., Bill, 329, 409, 539, 545, 553, 619  
 Notes of Cases—See List.  
 Nottingham Articled Clerks' Society, 319

## O.

## OBITUARY—

- Ackworth, G. B., 846  
 Archibald, Mr. Justice, 947, 994  
 Ardmillan, Lord, 884  
 Barker, J. H., 339  
 Barrow, W. H., 339  
 Bernard, Henry, 12  
 Blood, J. H., 807  
 Boger, D., 159  
 Borlase, W., 570  
 Bowerman, R., 909  
 Bravo, C. D. T., 528  
 Bremner, H., 862  
 Brown, Th., 492  
 Chauntler, Th., 400  
 Cheere, R., 570  
 Cole, H. W., Q.C., 668, 686  
 Coleman, H. J., 476  
 Coleridge, Sir J. T., 316, 321  
 Commins, T., 159  
 Cooke, J., 728  
 Coombs, T., 528  
 Cooper, W. D., 216  
 Corner, R. J., 400  
 Crosley, A., 239  
 Dalrymple, Robert Farre, 801  
 Dawes, F. N., 53  
 Dyke, F. H., 748  
 England, John, 197  
 Forster, John, 339  
 Francis, Sir Philip, 823  
 Franklin, J., 53  
 Gale, C. J., 807  
 Gates, W. B., 477  
 Glover, Mr. Justice, 824  
 Greene, T. W., Q.C., 159  
 Gregson, W., 159

## Obituary (continued)—

- Hall, T. J., 439  
 Hammond, W., 629  
 Hanson, Sir R. D., 400  
 Hardy, Benj., Q.C., 787  
 Hare, Rich., 239  
 Hayman, J. M., 885, 898  
 Henry, Sir Thomas, 668  
 Hester, G. P., 339  
 Hill, C. P., 216  
 Hime, H., 476  
 Hodgson, R. H., 629  
 Hogg, Sir J. W., Bart., 629  
 Holt, T., 528  
 T'Anson, J. M., 53  
 Johnes, John, 845  
 Jones, W., 909  
 Joyce, S., Q.C., 217  
 Lawrence, G. A., 921  
 Leitch, T. C., 909  
 Leman, J., 492  
 Maples, A., jun., 339  
 Melmoth, J. Y., 476  
 Mendham, W. L., 769  
 Miller, Mr. Serjeant, 807  
 Moore, A. J., 711  
 Morgan, Sir R. F., 399  
 Munby, Joseph, 216  
 Ollivant, W. S., 942  
 Orpen, Sir R. J. T., 550  
 Palin, R., 954  
 Parry, C. J. R., 399  
 Parry, J. B., Q.C., 476  
 Pearce, W., 528  
 Pickering, P. A., Q.C., 807  
 Poole, G. S., 476  
 Price, J. S., 862  
 Quain, Mr. Justice, 884, 947  
 Raven, H. T., 135, 159  
 Read, James, 399  
 Reece, R. L., 846  
 Rees, J., 528  
 Reid, Sir John James, 492  
 Rice, Charles, 197  
 Richards, A. B., 646  
 Rivington, C., 807  
 Rowcliffe, H., Q.C., 728  
 Shaen, S., 874  
 Shaw, Sir F., 711  
 Simpson, J. J., 476  
 Smith, A., 399  
 Thomas, Lewis, 921  
 Trotter, W. Dale, 11  
 Whatley, J., 258  
 Williams, Sir Edward Vaughan, 11  
 Williams, R. G., Q.C., 12  
 Winn, G., jun., 528  
 Wise, J. J., 921  
 Woodcombe, Thomas, 823  
 Wyatt, Edwin, 258  
 Wynne, F., 629  
 Official Referees, 209, 249, 289, 310, 369, 380, 389, 396,  
 410, 499, 559, 579, 599, 606  
 — Lord Chancellor's Letter, 614  
 Orders—See Court Papers

## P.

## PARLIAMENT—

- Legislation of the Year, 893, 904, 918, 948  
 Proceedings, 300, 322, 324, 342, 361, 379, 402, 423,  
 442, 460, 508, 529, 551, 571, 591, 612, 646, 670, 691,  
 712, 729, 749, 770, 790, 808, 826  
 Appellate Jurisdiction Bill, 714, 730, 732, 804, 810,  
 811  
 Bankruptcy, 612, 691  
 — Bill, 672  
 Barristers' Fees, 545  
 Burial, Law of, 571  
 Cambridge University, 713  
 Commons, 670, 712, 749—See also Inclosures  
 Crossed Cheques, 324, 361, 828

## Parliament (continued)—

- Elementary Education, 591, 749, 750, 751, 770, 771,  
 791, 809  
 Inclosures, 323, 613  
 Irish Judicature, 422, 692  
 Irish Land Tenure, 443  
 Judicature Act Amendment, 322  
 Maritime Contracts, 322  
 Merchant Shipping, 322, 442, 460, 461, 480, 508, 529,  
 530, 552, 592, 828  
 Official Referees, 396  
 Oxford University, 361, 460, 479, 529, 551  
 Parliamentary Agency, 785, 831  
 Patent Laws, 342  
 Poor Law, 442, 646, 692  
 Queen's Speech, 827  
 School of Law, 519, 529  
 Union of Benefices, 571  
 Valuation of Property, 323  
 Vivisection, 591, 670, 827  
 Winter Assizes, 790  
 Parliamentary Agents, 684, 687, 699, 759, 766, 773, 779,  
 785, 831  
 — Report on, 759, 773, 779  
 — Petition of the Incorporated Law Society on, 787  
 Parliamentary Notices, Posting of, 104  
 Patent Office, 612, 668  
 Penzance, Lord, on Proctors and Solicitors, 525  
 Plymouth, Stonehouse, &c., Law Students' Society, 53, 119,  
 239, 279, 319, 398, 439, 477, 529, 967  
 Police Courts, Proceedings in, 13, 648, 875  
 — Statistics for 1875; 396  
 Practice, the New, 2, 3, 22, 42, 51, 70, 75, 90, 110, 131, 150,  
 171, 190, 210, 231, 250, 271, 290, 310, 331, 351, 371, 390,  
 411, 430, 450, 468, 500, 521, 541, 560, 603, 642, 663,  
 683, 702, 722, 743, 762, 782, 802; and see List of Notes  
 of Cases.  
 — Points of—  
 Affidavit Evidence, 330  
 Affidavits filed by Claimants, and in Winding-up Mat-  
 ters, 190  
 Appeal, Court of, Postponement of Cases in, 541  
 — a Fluctuating court, 23  
 — Sittings of, 24  
 Appeal, Enlarging Time for, 23  
 Appeals from Admiralty Division, 2  
 Appeals, 210  
 Appearance, Notice of, Elsewhere than where Writ is  
 issued, 24, 42, 111, 150, 231  
 Business in Vice-Chancellor Malins' Court, 291  
 Cause Lists of Chancery Division, 72  
 Chancery Broker, the, 310  
 Commissioners to administer Oaths, 2  
 County Court Appeals, 71  
 Default—See Judgment  
 District Registries, Entry of Judgments in, 22  
*Distringas* on Stock, 91, 111, 210  
 Enrolment of Judgment, 411  
 Fees of Court, 2  
 Figures in Pleadings and Affidavits, 2  
 High Court, the, Arrangements of, 351  
 Interrogatories, Objections to, 210  
 Judges' Notes, 450  
 Judgment by Default, 468  
 — in Default, Entering, in the Chancery Division,  
 583, 702  
 Judgment, Motions for, by Default of Pleading, 311  
 — Signing, in Default of Appearance in Case of a  
 Liquidated Demand, 171  
 Judicial Review, a, 44  
 Lists for the Day, 231, 251  
*Mandamus*, Appeal in Cases of, 150  
 Married Women, Examination of, 290  
 — Suing, 560  
 Michaelmas Sittings, 71  
 Motions for Judgment, 469  
*Nisi Prius* Business, 44, 290  
 Notice of Trial where Defendant has not entered Ap-  
 pearance, 411  
 — to the Official Solicitor, 111  
 Office Copies of Affidavits, 90  
 Official Referees, 70, 331  
 — Allotment of Work among, 430

**Practice, The New (continued)—**

- Orders by Consent, 311
- Pending Actions, 3
  - Causes in the Chancery Division, 42
- Petitions, Address of, 24
- Pleadings, 468
  - Allowance for printing, 130
  - Copies of, 3
- Pleading, New System of, 151, 171
- Procedure, New, Application of, to Proceedings not commenced by Writ, 131
- Receiver, Appointment of, 150
- References, 190
- Registration Appeals, 45
- Rules of Court, New, 110, 371, 722
- Service of English Writs in Ireland, 603
- Short Cause, Delivery of Statement of Claim in, where Defendant consents to Immediate Order for Administration, 250
- Stamps, 2
  - on Briefs, 72
- Staying Actions, 22, 43
- Striking out Cases, 71
- Terms, 131
  - the Semi-Defunct, 663
- Tests of Writs, 2, 210
- Third-party Notices, 520
- Transfer of Cases entered for Trial, 250
- Winding up, Pending Proceedings in, 23
- Witness Causes in the Chancery Division, 500
- Writ in Creditors' Actions, 271
- Writ, Indorsement on, of Time of Service on Substituted Service, 683
  - Intituling the, in Actions for Administration, 271
  - Specially Indorsed, Leave to Defend, 171, 390
- Writs, Tests of, 2, 210
- Writs—See Service
- Printers and Stationers, the, and the Judicature Act, 397
- Prisoners' Evidence, 760, 773
- Prisons Bill, 685, 701
- Privy Council, Judicial Committee of, 683, 705
- Proctors and Solicitors, Lord Penzance on, 525
- Public Health Act—Omission, 96
- Public Prosecution, 593

**Q.**

QUEEN'S BENCH DIVISION, PROCEEDINGS, 441  
Queen's Proctor, Vacancy of the Office, 745, 824

**R.**

- RADSTOCK RAILWAY ACCIDENT, 840
- Railway Commission, 60
  - Proceedings, 418, 830
- Recent Decisions—See Decisions
- Record and Writ Clerks' Office, the, Writers at, 491, 679
- Recorder, Jurisdiction of, 949
- Reviews—
  - Ayckbourn, Hubert, The New Practice, 315
  - Bedford, E. H., Final Examination Guide to the Practice of the Supreme Court of Judicature, 315
  - Bigelow, M. M., Law of Torts (Boston), 274
  - Bill, George, Rhymes, Reasons, and Recollections from the Commonplace Books of a Sexagenarian, 822
  - Braithwaite's Oaths in the Supreme Court of Judicature, 525
  - Broom, Herbert, LL.D., Philosophy of Law, 524
  - Browne, Archibald, The Law of Fixtures, 3rd ed., 433, 459
  - Browne, G., The Law and Practice of Divorce, 3rd ed., 490
  - Browne, J. H., Balfour, Law of Rating, 157
  - Bund, J. W., Agricultural Holdings Act, 275
  - Bunning and Sands, Fees under the Judicature Acts, 315
  - Bunyon, on Fire Insurance, 2nd ed., 335
  - Charley, W. T., The Judicature Acts, 28
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**Reviews (continued)—**

- Colquhoun, Sir P., The Judicature Acts Consolidated, 174
- Clifford, C. W. R., Agricultural Holdings Act, 764
- Coote's Probate Practice, 7th ed., 395
- Copinger on Title Deeds, 335
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- Daniel, E. M., Law of Trade-Marks, 664
- Dart on Vendors and Purchasers, 5th ed., 354
- Davies, H. F. A., Law and Practice of Friendly Societies and Trades Unions, 415
- Davis, J. E., County Court Rules, 1875-6: a Supplement to Davis's County Court Practice, 456
- Dowell, S., History of Taxes in England, vol. 1, 733
- FitzAdam, J. T., The Judicature Acts, 94
- Fitzgerald, G. A. R., Law relating to Public Health and Local Government, 473
- Gray's-inn, by W. R. Douthwaite, 897
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- Griffith, W. D., The Judicature Acts, 50
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- Heywood, G. W., Jurisdiction and Practice of County Courts, 565
- Holdsworth, W. A., The Judicature Acts, 75
- Law Magazine and Review, November, 1875; 115
- Lawyers' Companion for 1876; 117
- Leading Cases done into English, by an Apprentice of Lincoln's-inn, 822
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- Lloyd, Morgan, The Judicature Acts, 75
- Mackeson and Forbes, The Judicature Acts and Rules, 157
- Manning's Laws of Nations, new ed., by S. Ames, 503
- Mozley and Whiteley's Law Dictionary, 605
- Oke's Magisterial Formulist, 5th ed., 503
- Oke's Magisterial Synopsis, 12th ed., 965
- Pemberton, L. L., on Judgments, &c., 544
- Pitt-Taylor, C., Index to County Court Rules, 115
- Pollock, F., Principles of the Law of Contract, 454
- Powell's Law of Evidence, 4th ed., by J. Cutler and E. F. Griffin, 94
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- Rogers on Elections, 12th ed., 965
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- Scott, H. A., Index to County Court Rules, 115
- Simpson, A. H., Treatise on the Law and Practice relating to Infants, 455
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- Taylor on Poisons, 3rd ed., 587
- Wetherfield, G. M., County Court Statutes, 1846-75; 565
- Wharton's Law Lexicon, 6th ed., 523
- Williams' Law and Practice of Bankruptcy, 2nd ed., 843
- Winch, Hen., Agricultural Holdings Act, 276
- Wood, J. B., Law of Trade-Marks, 664
- Revising Barristers, Order in Council as to, 751
  - Appeals—"Paper Books," 57
  - a New Point, 929
- Rolls Chambers, Proceedings, 299
  - Queen's Counsel in, 277
- Rolls Court, the, Block in, 581, 583, 588, 614
- Rules—See Court Papers
- Russia, Compensation in, 160

**S.**

**SCOTLAND—**

- Barclay, Sheriff, Death of, 789
- Legal Appointments, 29, 214, 374, 527, 687, 884, 893
- Legal Intelligence, 570, 884, 898, 907, 929
- Professional Habilliments, 688

Service of Writs, 519  
Ships, Unseaworthy, Mr. Justice Brett on, 422—See also Norwood  
Siam, Criminal Law in, 12  
Social Science Association, 402, 744, 806, 935, 947  
Solicitor, a, Charge against, 586  
Solicitors, University Education of, 915, 936, 974  
Solicitors—See Proctors  
Solicitors' Benevolent Society, 507, 666, 928  
Stamps for Judicature Fees, 7  
Stipendiary Magistrates in London, Salaries of, 521  
Stuart's, Sir John, Letter on a Court of Ultimate Appeal, 422  
Sweden, Administration of Justice in, 794, 812

## T.

TAXING MASTERS' OFFICE, STATE OF BUSINESS IN, 593  
Temple, Inner, Gardens, 600  
Trade-Marks, 550, 765  
Trade-Marks Registration Act, 1875; 402  
— Rules under, 178  
Trade Unions Act, 1875; 745  
Trades Union Congress, 909  
*Tyngress v. Grant*, Counsel's Letter in, 599, 605

## U.

UNITED LAW CLERKS' SOCIETY, 429  
United Law Students' Society, 53, 76, 196, 238, 257, 319, 340, 378, 416, 453, 492, 529, 550, 570, 589, 609, 630, 643, 666, 687, 705, 725, 768, 942, 955  
United States—  
Appellate Jurisdiction, 669  
Belknap, Mr., 493

## United States (continued)—

Carriers, 551  
Chicago Bar Association, 254  
"Classes," 729  
Criminal Procedure, 849  
Dog Case, 839  
Extradition, 449, 478, 533, 539, 549, 642, 839, 846  
Jury, a, Difficulty in securing, 360  
Lawrence, Hon. W. B., on the Extradition Dispute, 839, 846  
Legal Institutions and Procedure, 256, 276  
Legal Intelligence, 8, 12, 54, 118, 119, 139, 142, 170, 174, 185, 219, 220, 239, 321, 360, 374, 398, 459, 493, 507, 527, 550, 567, 571, 593, 608, 645, 646, 687, 688, 790, 808, 863, 896, 929, 956  
Photography, Novel Application of, 669  
Pinkney, William, Memoir of, 440  
Prisons Return, 669  
Redfield, Hon. J. F., Death of, 492, 671  
University of London, 243, 508

## V.

VACATION SITTINGS—See Names of Cases reported.  
Vagrancy, 214

## W.

WINDWARD ISLANDS, THE, LAWS OF, 711  
Winslow Case—See Extradition  
Worcester Assizes, Presentment to Mr. Baron Amphlett at, 160  
Worcester and Worcestershire Law Society, 258  
Writs, English, Service of, in Ireland and Scotland, 356, 487, 519, 531, 603

THE

[Solicitors' Journal,]  
[Aug. 26, 1876.]

PUBLIC GENERAL STATUTES.

39 & 40 VICTORIÆ, 1876.

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THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

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LONDON:  
12, COOK'S COURT, CAREY STREET, W.C.

1876.

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# PUBLIC GENERAL STATUTES, 1876.

## 39 & 40 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

### CAP. I.

An Act to raise the sum of four million and eighty thousand pounds by Exchequer Bonds.

[9th March, 1876.]

### CAP. II.

An Act to apply the sum of four million and eighty thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand eight hundred and seventy-six.

[9th March, 1876.]

### CAP. III.

An Act to extend the Time for the Epping Forest Commissioners to make their Final Report.

[17th March, 1876.]

### CAP. IV.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March, one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven.

[27th March, 1876.]

### CAP. V.

An Act for enabling a further sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870.

[27th March, 1876.]

### CAP. VI.

An Act to amend the Law relating to the Stamping of Policies of Sea Insurance.

[7th April, 1876.]

Whereas it is expedient to amend the Law relating to the Stamping of Policies of Sea Insurance as contained in an Act of the thirtieth and thirty-first years of her Majesty's reign, chapter twenty-three, and "The Stamp Act, 1870":  
Be it enacted, &c.:

1. Policy stamped for total and not upon separate interests may be stamped with further duty.] From and after the passing of this Act a policy of sea insurance, by which the separate and distinct interests of two or more persons are insured, being stamped in respect of the aggregate of such interests, but not duly stamped in respect of each of such interests, may be stamped with an additional stamp or stamps at any time within one month after the last risk has been declared.

2. Section 16 of "The Stamp Act, 1870," to apply to policies of sea insurance.—Penalty on stamping, £100.] From and after the passing of this Act, section sixteen of "The Stamp Act, 1870," shall apply to a policy of sea insurance. Such policy shall, for the purposes of the said section, be an instrument which may legally be stamped after the execution thereof, and the penalty payable by law on stamping the same as aforesaid shall be the sum of one hundred pounds.

3. Title of Act.] This Act may be cited as "The Sea Insurance (Stamping of Policies) Amendment Act, 1876."

### CAP. VII.

An Act to amend the Law relating to certain Appointments to the Council of India.

[7th April, 1876.]

Whereas by an Act of the thirty-second and thirty-third year of the reign of her present Majesty, chapter ninety-

seven (in this Act referred to as the Act of 1869), it was, among other things, provided that the members of the Council of India were to hold their offices for a period of ten years, and for such further period as in section three of the said Act mentioned:

And whereas, regard being had to the composition of the said council contemplated in section ten of the Act of the twenty-first and twenty-second years of her present Majesty, chapter one hundred and six (in this Act referred to as the Act of 1853), it is expedient to amend the said first-mentioned Act in certain particulars:

Be it enacted, &c.:

1. Appointment of persons with professional or other qualifications.] Notwithstanding anything in the Act of 1869, the Secretary of State for India may, if he thinks fit, subject to the condition as to the number of appointments hereinafter laid down, appoint any person having professional or other peculiar qualifications to be a member of the said council under this Act; and every person so appointed shall hold his office in the same manner, and shall be entitled to the same salary, pension, and other rights and privileges, and be subject to the same disabilities, as if he had been elected or appointed before the passing of the Act of 1869.

Where any person appointed under this Act is at his appointment a member of the council, his period of service for the purposes of this Act shall be reckoned from the time of his first appointment or election to the council.

The special reasons for every appointment under this Act shall be stated in a minute of the Secretary of State for India, and shall be laid before both Houses of Parliament. Not more than three persons appointed under this Act shall be members of the council at the same time; nor shall the provisions of sections seven and ten of the Act of 1853, with reference to the number of the council, and the qualification of the major part of the members, be affected by this Act.

### CAP. VIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[7th April, 1876.]

### CAP. IX.

An Act for the regulation of her Majesty's Royal Marine Forces while on Shore.

[7th April, 1876.]

### CAP. X.

An Act to enable her most Gracious Majesty to make an addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its dependencies.

[27th April, 1876.]

39 & 40 Geo. 3, c. 67.—A.D. 1800.] Whereas by the Act for the union of Great Britain and Ireland passed in the fortieth year of the reign of his late Majesty King George the Third, chapter sixty-seven, it was provided that after such union as aforesaid the Royal style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies should be such as his Majesty by his Royal proclamation under the Great Seal of the United Kingdom should be pleased to appoint:

And whereas by virtue of the said Act and of a Royal proclamation under the Great Seal, dated the first day of January, one thousand eight hundred and one, the present style and titles of her Majesty are "Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith":

21 & 22 Vict. c. 106.] And whereas by the Act for the better government of India, passed in the session of the twenty-first and twenty-second years of the reign of her present Majesty, chapter one hundred and six, it was enacted that the government of India, theretofore vested in the East India Company in trust for her Majesty, should become vested in her Majesty, and that India should thenceforth be governed by and in the name of her Majesty, and it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to the styles and titles of her Majesty :

Be it enacted, &c. :

*Power to her Majesty to make addition to style and titles of Queen.*] It shall be lawful for her most Gracious Majesty, with a view to such recognition as aforesaid of the transfer of the government of India, by her Royal proclamation under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to her Majesty may seem meet.

#### CAP. XI.

An Act to amend the Act of the seventh and eighth years of her Majesty, chapter forty-four, relating to the formation of quoad sacra parishes in Scotland.

[1st June, 1876.]

#### CAP. XII.

An Act to assimilate the law of Scotland to that of England respecting the creation of Burgesses.

[1st June, 1876.]

#### CAP. XIII.

An Act to prevent the Administration of Poisonous Drugs to Horses and other Animals.

[1st June, 1876.]

Whereas it is expedient to make provision against the practice of administering poisonous drugs to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses and animals :

Be it enacted, &c. :

1. *Penalty on giving poisonous drugs to horses, &c., unlawfully.*] If any person wilfully and unlawfully administers to or causes to be administered to or taken by any horse, cattle, or domestic animal any poisonous or injurious drug or substance, he shall (unless some reasonable cause or excuse is shown on his behalf) be liable, on summary conviction, to a penalty not exceeding five pounds, or at the discretion of the court, to imprisonment, with or without hard labour, for any term not exceeding one month in the case of a first offence, or three months in the case of a second or any subsequent offence.

2. *Saving of persons qualified, &c.*] Nothing in this Act shall extend to any person being owner or acting by authority of the owner of the horse, cattle, or other animal to which any drug or substance is administered.

3. *Saving of other laws.*] Nothing in this Act shall exempt a person from liability to any greater or other punishment under any other Act or law, so that he be not more than once punished for the same offence.

4. *Prosecution.*] Any offence against this Act may be prosecuted in the manner provided by the Summary Jurisdiction Acts before two justices of the peace.

5. *Extent of Act.*] This Act shall not extend to Scotland or to Ireland.

6. *Short title.*] This Act may be cited as "The Drugging of Animals Act, 1876."

#### CAP. XIV.

An Act to extend the provisions of "The Exchequer and Audit Departments Act, 1866," to the Accounts of the Commissioners for the Government of the Royal Hospital at Chelsea.

[1st June, 1876.]

#### CAP. XV.

An Act to apply the sum of eleven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-seven. [1st June, 1876.]

#### CAP. XVI.

An Act to grant and alter certain Duties and Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. [1st June, 1876.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned, and do, therefore, most humbly beseech your Majesty that it may be enacted; and be it enacted, &c. :

1. *Short title.*] This Act may be cited as "The Customs and Inland Revenue Act, 1876."

#### PART I.

##### CUSTOMS AND EXCISE.

2. *Grant of customs duties on tea.*] The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy-six, until the first day of August, one thousand eight hundred and seventy-seven, on importation into Great Britain or Ireland; (that is to say)

Tea, the pound . . . Sixpence.

3. *As to bottling spirits in a customs or excise warehouse for exportation only.*] Whereas any spirits warehoused in a customs or excise warehouse may by law, subject to the regulations of the Commissioners of Customs and the Commissioners of Inland Revenue respectively, be bottled in quart or pint bottles for exportation or for use as ship's stores: And whereas it is expedient to allow the use of bottles of any capacity approved by the Commissioners of Customs and the Commissioners of Inland Revenue respectively in bottling for exportation only: Be it enacted that, subject to such regulations as may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively as to capacity of bottles, packing the same, and otherwise, any spirits deposited in customs or excise warehouses may be bottled and packed in cases for exportation only.

4. *Alteration of duties on licences to retail wine for consumption on the premises.*—S. 14 of 6 Geo. 4, c. 81, repealed as respects wine licences.—*Alteration of scale of abatement to meet alteration of duties.*] In lieu of the duties at several rates now payable under the Acts of the sixth year of the reign of King George the Fourth, chapter eighty-one, and of the third and fourth years of her Majesty's reign, chapter seventeen, on licences to retailers of foreign wine, and under the Act of the twenty-third and twenty-fourth years of her Majesty's reign, chapter twenty-seven, and the Act of the same years, chapter one hundred and seven, on every licence to any licensed keeper of a refreshment house to sell therein by retail foreign wine to be consumed on the premises, there shall be paid for each such licence the uniform duty of . . . £2 4s. 1d.

So far as regards any such licence as aforesaid to be granted under the said Act of the sixth year of the reign of King George the Fourth, chapter eighty-one, the provisions contained in the fourteenth section of the said Act are hereby repealed.

In lieu of the scale of abatement contained in section nine of the Act of the twenty-fourth and twenty-fifth years of her Majesty's reign, chapter ninety-one, the following scale shall be substituted, and the said section shall be read as if the said scale therein contained had been as follows; (that is to say)

£ s. d.

Where the house and premises in respect of which such licences shall be granted shall in England be under the rent and value, or in Ireland under the value, of thirty pounds a year, an abatement of . . . 0 7 4

And where the same shall be of the rent or value of thirty pounds or upwards, an abatement of . . . 0 17 10

5. *Restriction of term "male servant" in s. 19 of 32 & 33 Viet. c. 14.* The term "male servant," as used in the Act of the thirty-second and thirty-third year of her Majesty's reign, chapter fourteen, shall not include a servant who, being bona fide employed in any capacity other than the capacities specified or referred to in provision numbered three of section nineteen of the said Act, is occasionally or partially employed in any of the said capacities so specified or referred to, and shall not include a person who has been bona fide engaged to serve his employer for a portion only of each day and does not reside in his employer's house.

## PART II. INCOME TAX.

6. *Grant of duties of income tax.* There shall be charged, collected, and paid for the year commencing on the sixth day of April, one thousand eight hundred and seventy-six, in respect of all property, profits, and gains mentioned, or described as chargeable in the Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of threepence :

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act,—

In England, the duty of one penny halfpenny ;

In Scotland and Ireland respectively, the duty of one penny farthing.

7. *Provisions of Income Tax Acts to apply to duties hereby granted.* All such provisions contained in any Act relating to income tax as were in force on the fifth day of April, one thousand eight hundred and seventy-six, and are not repealed by this Act, shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-six.

8. *Exemption where income is under £150, and abatement where income is under £400.* The exemption granted by the Act of the fifth and sixth years of her Majesty's reign, chapter thirty-five, to persons whose respective incomes are less than one hundred and fifty pounds a year is hereby restored, and in lieu of the relief granted by section twelve of "The Customs and Inland Revenue Act, 1872," to a person whose income, although amounting to one hundred pounds or upwards, is less than three hundred pounds, the following relief or abatement shall be given or made to a person whose income is less than four hundred pounds, that is to say, any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Acts relating to income tax that his total income from all sources, although amounting to one hundred and fifty pounds or upwards, is less than four hundred pounds, shall be entitled to be relieved from so much of the said duties assessed upon or paid by him as an assessment or charge of the said duties upon one hundred and twenty pounds of his income would amount unto, and the relief shall be given either by reduction or abatement of the assessment upon such person, or by the repayment to him of so much of the excess as he shall have paid, or by both of those means, as the case may require.

9. *Repeal of enactments in schedule.* The enactments relating to income tax specified in the schedule to this Act are hereby repealed.

10. *Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.* In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April,

one thousand eight hundred and seventy-seven, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April, one thousand eight hundred and seventy-seven, shall have full force and effect, with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto by an Act of Parliament passed on that day: Provided that nothing in this section shall be deemed to render necessary or authorize the appointment of assessors for such of the said duties as may be payable under schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, or to continue the rates of income tax granted by this Act.

## PART III. STAMPS.

11. *Instruments increasing rent to be chargeable with stamp duty as the additional rent.* An instrument whereby the rent reserved by other instruments chargeable with stamp duty as a lease or tack and duly stamped accordingly is increased, shall not be chargeable with stamp duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

## PART IV. LAND TAX.

12. *Repeal of duties of 1s. and of 6d. on certain offices, &c., and of land tax duties on offices and pensions.* Whereas it is expedient that the duties of one shilling and of sixpence now payable on certain offices and employments of profit and annuities, pensions, and stipends, and also the duties on offices and pensions now assessed by the Commissioners of Land Tax should cease and determine: Be it enacted that the Acts and parts of Acts relating to the said duties respectively, which are specified in the schedule to this Act, are hereby repealed, save as to any arrears of the said duties or any of them for any year.

## SCHEDULE

Containing the Enactments relating to Income Tax repealed by this Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 & 6 Vict. c. 35.	An Act for granting to her Majesty duties on profits arising from property, professions, trades, and offices, &c., &c.	Section 32.
23 & 24 Vict. c. 14.	An Act for granting to her Majesty duties on profits arising from property, professions, trades, and offices.	Section 6.
35 & 36 Vict. c. 20.	The Customs and Inland Revenue Act, 1872.	Part IV.
38 & 39 Vict. c. 23.	The Customs and Inland Revenue Act, 1875.	Section 6.

The Acts and parts of Acts relating to duties on Offices and Pensions, &c., repealed by this Act.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
7 Geo. 1, stat. 1, c. 27.	An Act for raising a sum not exceeding five hundred thousand pounds, &c.	Section 19.
49 Geo. 3, c. 32.	An Act for continuing and making perpetual several duties of one shilling and sixpence, &c.	The whole Act.
6 Geo. 4, c. 9.	An Act for continuing to his Majesty for one year certain duties on personal estates, offices, and pensions in England, &c.	Sections 3, 15 to 18, both inclusive, 20 and 21.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
6 & 7 Will. 4. c. 97.	An Act for continuing and making perpetual the duty on certain offices and pensions.	The whole Act.

## CAP. XVII.

An Act to amend "The Partition Act, 1868."

[27th June, 1876.]

Be it enacted, &amp;c. :

1. *Short title.*] This Act may be cited as "The Partition Act, 1876," and shall be read as one with "The Partition Act, 1868."

2. *Application of Act.*] This Act shall apply to actions pending at the time of the passing of this Act as well as to actions commenced after the passing thereof, and the term "action" includes a suit, and the term "judgment" includes decree or order.

3. *Power to dispense with service of notice of decrees or order in special cases.*] Where in an action for partition it appears to the court that notice of the judgment on the hearing of the cause cannot be served on all the persons on whom that notice is by "The Partition Act, 1868," required to be served, or cannot be so served without expense disproportionate to the value of the property to which the action relates, the court may, if it thinks fit, on the request of any of the parties interested in the property, and notwithstanding the dissent or disability of any others of them, by order, dispense with that service on any person or class of persons specified in the order, and, instead thereof, may direct advertisements to be published at such times and in such manner as the court shall think fit, calling upon all persons claiming to be interested in such property who have not been so served to come in and establish their respective claims in respect thereof before the judge in chambers within a time to be thereby limited. After the expiration of the time so limited all persons who shall not have so come in and established such claims, whether they are within or without the jurisdiction of the court (including persons under any disability), shall be bound by the proceedings in the action as if on the day of the date of the order dispensing with service they had been served with notice of the judgment, service whereof is dispensed with; and thereupon the powers of the court under "The Trustee Act, 1850," shall extend to their interests in the property to which the action relates as if they had been parties to the action; and the court may thereupon, if it shall think fit, direct a sale of the property, and give all necessary or proper consequential directions.

4. *Proceedings where service is dispensed with.*] Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the court, the following provisions shall have effect:

- (1) The proceeds of sale shall be paid into court to abide the further order of the court;
- (2) The court shall, by order, fix a time, at the expiration of which the proceeds will be distributed, and may from time to time, by further order, extend that time;
- (3) The court shall direct such notices to be given by advertisements or otherwise as it thinks best adapted for notifying to any persons on whom service is dispensed with, who may not have previously come in and established their claims, the fact of the sale, the time of the intended distribution, and the time within which a claim to participate in the proceeds must be made;
- (4) If at the expiration of the time so fixed or extended the interests of all the persons interested have been ascertained, the court shall distribute the proceeds in accordance with the rights of those persons;
- (5) If at the expiration of the time so fixed or extended the interests of all the persons interested have not been ascertained, and it appears to the court that they cannot be ascertained, or cannot be ascertained without expense disproportionate to the value of the property

or of the unascertained interests, the court shall distribute the proceeds in such manner as appears to the court to be most in accordance with the rights of the persons whose claims to participate in the proceeds have been established, whether all those persons are or are not before the court, and with such reservations (if any) as to the court may seem fit in favour of any other persons (whether ascertained or not) who may appear from the evidence before the court to have any *prima facie* rights which ought to be so provided for, although such rights may not have been fully established, but to the exclusion of all other persons, and thereupon all such other persons shall by virtue of this Act be excluded from participation in those proceeds on the distribution thereof, but notwithstanding the distribution any excluded person may recover from any participating person any portion received by him of the share of the excluded person.

5. *Provision for case of successive sales in same action.*] Where in an action for partition two or more sales are made, if any person who has by virtue of this Act been excluded from participation in the proceeds of any of those sales establishes his claim to participate in the proceeds of a subsequent sale, the shares of the other persons interested in the proceeds of the subsequent sale shall abate to the extent (if any) to which they were increased by the non-participation of the excluded person in the proceeds of the previous sale, and shall to that extent be applied in or towards payment to that person of the share to which he would have been entitled in the proceeds of the previous sale if his claim thereto had been established in due time.

6. *Request by married woman, infant, or person under disability.*] In an action for partition a request for sale may be made, or an undertaking to purchase given, on the part of a married woman, infant, person of unsound mind, or person under any other disability, by the next friend, guardian, committee in lunacy (if so authorized by order in lunacy), or other person authorized to act on behalf of the person under such disability, but the court shall not be bound to comply with any such request or undertaking on the part of an infant unless it appear that the sale or purchase will be for his benefit.

7. *Action for partition to include action for sale and distribution of the proceeds.*] For the purposes of "The Partition Act, 1868," and of this Act, an action for partition shall include an action for sale and distribution of the proceeds, and in an action for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition.

## CAP. XVIII.

An Act to incorporate the Solicitor for the affairs of her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of her Majesty.

[27th June, 1876.]

Be it enacted, &amp;c. :

1. *Treasury Solicitor constituted a corporation sole.*] The person for the time being holding the office of Solicitor for the affairs of her Majesty's Treasury (in this Act referred to as the Treasury Solicitor) shall be a corporation sole by the name of the Solicitor for the affairs of her Majesty's Treasury, and by that name shall have perpetual succession, with a capacity to acquire and hold in that name lands, Government securities, shares in any public company, securities for money, and real and personal property of every description, to sue and be sued, to execute deeds, using an official seal, to make leases, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Any document purporting to be sealed with the said official seal shall be receivable in evidence of the particulars stated in such document.

2. *Grant of administration to Solicitor of Treasury.*] Where, by reason of her Majesty having become entitled in right of her Crown to the personal estate of an intestate or otherwise, any court has power to grant administration of the personal estate of any deceased person to a nominee of

her Majesty, and her Majesty, by warrant under her Royal sign manual, is pleased to nominate for that purpose the Treasury Solicitor for the time being, the court may grant such administration for the use of her Majesty to the Treasury Solicitor (by his official name) and his successors, or, if the warrant so provide, to some person nominated in that behalf by the Treasury Solicitor.

A Royal warrant may nominate the Treasury Solicitor for the purposes of this section, either in any particular case or class of cases, or in all cases, and may limit such nomination to be during her Majesty's pleasure, or during any limited period or otherwise, as to her Majesty may seem fit; and may, if to her Majesty seem fit, authorize the Treasury Solicitor to nominate some other person to take out the administration in any particular case or class of cases.

The administration so granted to the Treasury Solicitor, and the office of administrator under such grant, and all the estate, rights, duties, and liabilities of such administrator, shall, notwithstanding any change in the person who is Treasury Solicitor, be vested in and imposed on the Treasury Solicitor for the time being without any further grant of administration.

Provided that nothing in this section shall affect any limitation, in duration or otherwise, contained in the grant, or any right of any court to revoke such grant.

Where administration is granted to the Treasury Solicitor he shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

3. *Power for assistant solicitor to act on behalf of Treasury Solicitor.* An assistant solicitor for the affairs of her Majesty's Treasury may, on behalf of the Treasury Solicitor, take any oath, make any declaration, verify any account, execute any deed, or do any act or thing whatsoever which the Treasury Solicitor is required or authorized under Act of Parliament or otherwise to take, make, verify, execute, or do for the purpose of an administration granted to him or for the purpose of any Act of Parliament, or otherwise in the execution of his duties as the Treasury Solicitor.

4. *Disposal of money and property received under administration or forfeiture and of unclaimed grants.* All moneys, securities, and property, real or personal, received by or vested in the Treasury Solicitor under any administration, or in consequence of the same having accrued to her Majesty as part of the personal estate of any deceased person, or under any forfeiture, or otherwise by virtue of her Royal prerogative, shall be paid, invested, transferred, sold, and disposed of in such manner as may be directed by rules under this Act, and, so far as such rules do not apply, as the Treasury direct, subject as follows:

- (1) All such money and all money arising from such securities and property, whether as income or as the proceeds of the sale or disposal thereof, or otherwise, shall be carried to the account directed by the rules (in this Act referred to as the Crown's Nominee Account): and
- (2) All money standing to the said account and not required for the purposes thereof shall be paid into the account of her Majesty's Exchequer; and
- (3) Where any money, securities, or property to which this section applies has been granted by her Majesty to any person, and has not been claimed within the period fixed by the rules, the Treasury may direct such unclaimed securities and property to be sold and the proceeds of such sale and the said money to be paid to the Crown's Nominee Account:

Provided, that if any person satisfies the Treasury of his right under the said grant to the whole or any part of such unclaimed money, securities, or property, the Treasury may direct the sum paid to the Crown's Nominee Account in respect of the same or of the part to which such person shows himself to be entitled, to be paid to such person out of the Consolidated Fund, or the growing produce thereof.

The accounts of the receipts and expenditure on the Crown's Nominee Account shall be deemed to be public accounts; and such abstract thereof as may be directed by rules under this Act shall be annually laid before the House of Commons.

5. *Rules by Treasury.* The Treasury may from time to time make, and when made, revoke, alter, and add to, rules for carrying this Act into effect.

Every such rule shall be laid before Parliament within one month after it is made if Parliament be then sitting, or, if not, within one month after the then next meeting of Parliament.

6. *Application of Act to previous administrations, &c.* This Act shall, so far as circumstances admit, apply, in the case of personal estate and property to which her Majesty, or any of her Majesty's predecessors has become entitled before the passing of this Act, and of warrants given, and grants made, and acts done before the passing of this Act, and the satisfaction of claims under such grants, in like manner as it applies respectively in the case of property to which her Majesty may become entitled after the passing of this Act, or of grants made or acts done after the passing of this Act, or the satisfaction of claims under such grants.

7. *Definitions.* In this Act—

The expression "the Treasury" means the Commissioners of her Majesty's Treasury:

The expression "administration" means letters of administration of the personal estate and effects of a deceased person, whether general or limited, or with the will annexed or otherwise, and includes confirmation in Scotland.

8. *Saving for existing Queen's Proctor.* Nothing in this Act shall affect the rights, powers, authorities, and duties of the Queen's Proctor holding office at the time of the passing of this Act.

9. *Repeal of Act.* The Act mentioned in the first schedule to this Act is hereby repealed:

Provided that—

- (1) So much of the said Act as is set forth in the second schedule to this Act shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act; and
- (2) Any administration by or in pursuance of this Act vested in or granted to any person who was Treasury Solicitor shall continue in force as if it had been granted under this Act to the Treasury Solicitor [by his official title; and
- (3) Any accounts opened in pursuance of the said Act shall continue until altered by the Treasury in pursuance of this Act, and all money, stocks, and securities standing to the said accounts shall be dealt with accordingly, and any general account opened in pursuance of the said Act shall be deemed, whilst continued, to be the Crown's Nominee Account under this Act; and
- (4) This appeal shall not affect—
  - (a) anything duly done or suffered under the said Act hereby repealed; or
  - (b) any right, privilege, or liability acquired, accrued, or incurred under the said Act; or
  - (c) any legal proceeding or remedy in respect of any such right, privilege, or liability.

10. *Short title.* This Act may be cited as "The Treasury Solicitor Act, 1876."

#### FIRST SCHEDULE. ACT REPEALED.

Title and Chapter.	Title.
15 & 16 Vict. c. 3.	An Act to provide for the Administration of Personal Estates of Intestates, and others, to which her Majesty may be entitled in right of her Prerogative, or in right of her Duchy of Lancaster.

#### SECOND SCHEDULE.

PART OF 15 & 16 VICT. C. 3, S. 2, RE-ENACTED.

*Duties of Solicitor of Duchy of Lancaster under administration.* Where the administration of the personal estate of any deceased person has been granted to the Solicitor for the affairs of her Majesty's Duchy of Lancaster, for the use of her Majesty, that solicitor shall, notwithstanding that he

does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bonds.

## CAP. XIX.

An Act to amend the Law relating to Salmon Fisheries in England and Wales. [27th June, 1876.]

Whereas it is expedient to amend the laws relating to salmon fisheries in England and Wales:—

Be it enacted, &c.:

1. *Short title.*] The Act may be cited for all purposes as "The Salmon Fisheries Act, 1876," and this Act and the Salmon Fishery Acts, 1861, 1865, and 1873, may be cited together as "The Salmon Fishery Acts, 1861 to 1876."

2. *Construction of Act.*] This Act, so far as is consistent with the tenor thereof, shall be read as one with the Salmon Fishery Acts, 1861, 1865, and 1873.

3. *Commencement of Act.*] This Act shall not come into operation until the first day of September, one thousand eight hundred and seventy-six, which date is hereinafter referred to as the commencement of this Act.

4. *Board of conservators may make bye-laws as to time for killing trout.*] Subject to the provisions contained in sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, and forty-five of "The Salmon Fishery Act, 1873," for the making, confirming, publishing, and proving of bye-laws, a board of conservators may, at any time after the commencement of this Act, make a bye-law and alter the same from time to time for the following purpose: (that is to say)

To alter the period during which it shall be illegal to take or kill trout within any fishery district, or in any portion of a fishery district, so that the period within which trout may not be taken or killed shall not commence earlier than the second day of September nor later than the second day of November in each year, and shall not be less than one hundred and twenty-three days;

and the said board may by any such bye-law impose a penalty not exceeding five pounds for each offence against such bye-law, and such penalties shall be recovered and applied in manner provided in and by "The Salmon Fishery Act, 1873."

## CAP. XX.

An Act to facilitate the Revision of the Statute Law by substituting in certain Acts, incorporating Enactments which have been otherwise repealed, a reference to recent Enactments still in force. [27th June, 1876.]

Be it enacted, &c.:

1. *Substitution of Summary Jurisdiction Act for repealed Act* 7 & 8 Geo. 4, c. 30, in certain sections of the Inclosure Acts 11 & 12 Vict. c. 99, s. 10, 12 & 13 Vict. c. 83, s. 10, 15 & 16 Vict. c. 79, s. 23.] There shall be repealed so much of section ten of "The Inclosure Act, 1848," and of section ten of "The Inclosure Act, 1849," and of section thirty-three of "The Inclosure Act, 1852," as incorporates or refers to any provisions of the Act of the seventh and eighth years of the reign of King George the Fourth, chapter thirty, intitled "An Act for consolidating and amending the laws in England relative to malicious injuries to property," and which last-mentioned provisions have since been repealed, and in place thereof, be it enacted, that—

Any offence under section ten of "The Inclosure Act, 1848," and under section ten of "The Inclosure Act, 1849," and under section thirty-three of "The Inclosure Act, 1852," shall be deemed to be an offence punishable on summary conviction under "The Summary Jurisdiction Act" and the Acts amending the same: Provided that any penalty or forfeiture incurred shall be applied in manner provided by the said Inclosure Acts, and that any information in relation to any such offence as is mentioned in this section shall be heard, tried, determined, and adjudged before two justices.

2. *Substitution of certain enactments for the repealed enactments mentioned in 12 & 13 Vict. c. 25.*] There shall be repealed so much of section two of the Act of the session of the twelfth and thirteenth years of the reign of her present Majesty, chapter twenty-five, intitled "An Act for giving effect to the stipulations of a treaty between her Majesty and the Queen of Portugal for the apprehension of certain

deserters," as provides, by reference to an Act of Parliament since repealed, for the recovery, payment, and application of the penalty therein mentioned for harbouring or secreting a seaman or apprentice having deserted from his ship, and in place thereof be it enacted as follows:

The penalty under section two of the Act of the session of the twelfth and thirteenth years of the reign of her present Majesty, chapter twenty-five, intitled "An Act for giving effect to the stipulations of a treaty between her Majesty and the Queen of Portugal for the apprehension of certain deserters," shall be recovered, paid, and applied in the same manner as a penalty for harbouring or secreting any seaman deserting from a British ship is for the time being recoverable, payable, and applicable.

3. *Substitution of "Larceny Act, 1861," for repealed Act* 2 & 3 Vict. c. 54, in "Municipal Corporation Mortgages, &c., Act, 1860," 23 & 24 Vict. c. 16.] There shall be repealed so much of section seven of "The Municipal Corporation Mortgages, &c., Act, 1860," as provides that a person guilty of a misdemeanour thereunder shall be subject in respect thereof to the provision of the Act of the session of the twentieth and twenty-first years of the reign of her present Majesty, chapter fifty-four, applicable to any person guilty of a misdemeanour under the Act (which Act has since been repealed), and in place thereof be it enacted as follows: that any person guilty of a misdemeanour under section seven of "The Municipal Corporation Mortgages, &c., Act, 1860," shall be subject in respect thereof to the provisions of "The Larceny Act, 1861," applicable to any person guilty of a misdemeanour under section seventy-five of that Act.

4. *Substitution of "Larceny Act, 1861,"* 24 & 25 Vict. c. 84, for repealed Act 7 & 8 Geo. 4, c. 29, in 18 & 19 Vict. c. 124, 23.] There shall be repealed so much of the twenty-third section of the Act of the session of the eighteenth and nineteenth years of the reign of her present Majesty, chapter one hundred and twenty-six, as provides for the definition of "property" by reference to the Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter twenty-nine, which Act has since been repealed, and in place thereof be it enacted that—

"Property" as used in the said Act of the session of the eighteenth and nineteenth years of the reign of her present Majesty, chapter one hundred and twenty-six, shall have the same meaning as "property" has in "The Larceny Act, 1861."

5. *Substitution of "Licensing Act, 1872" (35 & 36 Vict. c. 94), for the repealed enactments mentioned in s. 10 of "Prevention of Crimes Act, 1871" (34 & 35 Vict. c. 112).* There shall be repealed so much of section ten of "The Prevention of Crimes Act, 1871," as provides that "any person convicted under that section shall have a right to appeal against such conviction in the same manner in all respects as if the said conviction had been for an offence committed against the provisions of the Act of the ninth George the Fourth, chapter sixty-one," which last-mentioned provisions have since been repealed, and in place thereof be it enacted that—

Any person convicted under section ten of "The Prevention of Crimes Act, 1871," shall have a right to appeal against such conviction in the same manner in all respects as a person may appeal who feels aggrieved by a conviction made by a court of summary jurisdiction under "The Licensing Act, 1872," and all the provisions of such last-mentioned Act, and of any Act amending the same, relating to an appeal from a conviction made by a court of summary jurisdiction under such last-mentioned Act, shall apply accordingly.

6. *Effect of repeals.*] The repeals enacted in this Act shall not effect:

- (1) Anything duly done or suffered; or
- (2) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed; or
- (3) The institution of any investigation or legal proceeding for enforcing or recovering any such penalty, forfeiture, or punishment as aforesaid, and such investigation or legal proceeding may be carried on as if this Act had not passed.

7. *Definition of Acts.*] The Acts in the schedule to this Act are in the body of this Act referred to by the short titles respectively set opposite such Acts in the third column of that schedule.

3. *Short title to Act.*] This Act may be cited as "The Statute Law Revision (Substituted Enactments) Act, 1876."

## SCHEDULE.

Column 1.	Column 2.	Column 3.
11 & 12 Vict. c. 43.	An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders.	Summary Jurisdiction Act.
11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	Inclosure Act, 1848.
11 & 12 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	Inclosure Act, 1849.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	Inclosure Act, 1852.
24 & 25 Vict. c. 96.	An Act to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences.	The Larceny Act, 1861.

## CAP. XXI.

An Act to amend the Laws relating to the Qualification of Jurors in Ireland. [30th June, 1876.]

Whereas by "The Juries (Ireland) Acts, 1871 to 1872," the laws relating to juries in Ireland were amended and consolidated:

And whereas by "The Juries (Ireland) Act, 1873," temporary provisions were made altering and raising the qualification of jurors, and the said provisions have by divers Acts from time to time been continued for limited periods:

And whereas it is expedient that other and further provisions should be made to alter and raise the qualification of jurors, and that such provisions should continue in force during the limited period by this Act prescribed:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Jurors Qualification (Ireland) Act, 1876," and "The Juries (Ireland) Acts, 1871 to 1872," as amended by this and any other Act, and this Act may be cited together as "The Juries (Ireland) Acts."

2. *Qualification of jurors.*] The provisions in this section contained shall be in force and have effect with respect to the qualification of jurors from and after the eleventh day of January, one thousand eight hundred and seventy-seven, and the said provisions shall be in lieu of and in substitution for the provisions of section five of "The Juries Act, Ireland, 1871," and the said Act shall be read and construed as if they were therein substituted for the said section five.

Every man being a subject of the Queen, between the ages of twenty-one and sixty-five years, residing in any county or in any borough having a separate court of sessions of the peace, or a court of record for the trial of civil actions,

(1) Who shall have in his own name or in trust for him a clear income of ten pounds by the year in lands and tenements of freehold tenure situate in such county or borough, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, or fee tail, or for any life or lives whatsoever; or

(2) Who shall have a clear income of twenty pounds by

the year in lands or tenements situate in such county or borough, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or

(3) Who shall be, either in his own name or as a member of a firm or co-partnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the first schedule to this Act; or

(4) Who shall be a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any such business within such county or borough; or

(5) Who shall be a member of any board of harbour commissioners or other body intrusted with the provisions of any Act of Parliament with the management of any harbour or docks within such county or borough;

shall if residing in any such county as aforesaid be qualified and liable (save as exempted or disqualified) to serve on all juries for the trial of all issues, civil and criminal, joined in any of the Queen's courts of law and equity and triable in such county, and shall also be qualified and liable (save as exempted or disqualified) to serve on grand juries at the general sessions of the peace within such county, and on every inquest or inquiry to be taken or made in such county by or before any sheriff or coroner, or by or before any master or commissioner appointed by any of the superior courts of common law or equity, or by or before any commissioner appointed under the great seal or the seal of the Court of Exchequer, and shall if residing in any such borough as aforesaid be qualified and liable (save as exempted or disqualified) to serve on grand juries at sessions of the peace in such borough, and also upon juries for the trial of all issues, civil and criminal, joined in any court of sessions of the peace, and in any court of record for the trial of civil actions, triable in such borough: Provided always, that for the purposes of this Act, as regards any county of a city, county of a town, or borough, having a separate court of sessions of the peace or a court of record for the trial of civil actions, any such director, manager, member of such board or body so intrusted as aforesaid, and any other such person as aforesaid, shall be deemed to be resident therein in case he, or the company of which he shall be a director or manager, or the board or body of which he shall be such member as aforesaid, shall have or occupy a counting-house, office, shop, or place of business in such county of a city, county of a town, or borough as aforesaid, although such director, manager, member of such board or body so intrusted as aforesaid, or other such person, may not actually reside therein, provided that he resides within twelve statute miles of the court house of such county of a city, county of a town, or borough as aforesaid, and in the county of the city of Dublin within a like distance of the General Post-office in Dublin, to be computed by the nearest public road or way. And such counting-house, office, shop, or place of business shall in the proper column of "The General List of Jurors," and "List of Special Jurors," containing such director's, manager's, member's, or person's name, be stated as the place of abode of such person, and a summons for the attendance of a juror left at the place stated in the general jurors' book or special jurors' book as the place of abode of such juror, with any person inhabiting therein, shall be deemed to have been duly served upon such juror.

3. *As to jurors property qualification.*] In ascertaining the net annual value of the property qualification of a juror in the city of Dublin, mentioned in the first and second schedules to this Act, the annual value of any house or tenement, the owner whereof is under the sixty-third section of the Act 12 and 13 Victoria, chapter 91, rated instead of the occupier thereof, shall not be reckoned or taken into account.

4. *Clerk of the peace to prepare "lists of special jurors."*] The provisions in this section contained shall from and after the first day of August, one thousand eight hundred and seventy-six, be in substitution for the provisions of section eleven of "The Juries Act, Ireland, 1871," and the aid

Act shall be read and construed as if they were therein substituted for the said section eleven.

The clerk of the peace of every county in Ireland, on or before the fifteenth day of August in every year, shall, from each of the general lists of jurors furnished to him under "The Juries (Ireland) Acts," cause to be made out for each barony of such county a true and complete list, in the form O. set forth in the third schedule to this Act annexed, containing the names of every person contained in the list furnished to him as aforesaid for such barony.

Who shall be, either in his own name or as a member of a firm or co-partnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the second schedule to this Act;

And the names contained in each of the said lists to be made out by such clerk of the peace shall be arranged in alphabetical order of surnames and consecutively numbered, and each such list shall contain the like particulars in every respect as the lists furnished to him as aforesaid, and when so made out shall be called the "list of special jurors" for the barony of the county for which the same shall have been made out, and such clerk of the peace shall, at the foot or end of every such "list of special jurors" made out by him, sign a declaration that such "list of special jurors" has been fully and correctly prepared by him from the "general list of jurors" from which such "list of special jurors" shall have been made out by him.

5. *Form of precept.*] The precepts of the several clerks of the peace for the return of lists of jurors to be issued under the Juries (Ireland) Acts after the passing of this Act shall be according to the forms in the third schedule to this Act annexed, and any person to whom any such precept shall be issued shall and is hereby directed to perform and comply with all the requisitions contained in such precept.

6. *Duration of Act.*] This Act shall continue in operation until the eleventh day of January, one thousand eight hundred and eighty.

## SCHEDULES.

## FIRST SCHEDULE.

The net annual value of the rating qualification of jurors shall be as follows:—

## CLASS I.

In the counties of—		A net annual value of £40 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £10 in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.
Antrim.	Londonderry.	
Armagh.	Longford.	
Carlow.	Louth.	
Clare.	Meath.	
Cork.	Monaghan.	
Donegal.	Queen's Co.	
Down.	Roscommon.	
Dublin.	Sligo.	
Fermanagh.	Tipperary.	
Galway.	Tyrone.	
Kerry.	Waterford.	
Kildare.	Westmeath.	
Kilkenny.	Wexford.	
King's Co.	Wicklow.	
Limerick.		

## CLASS II.

In the counties of—		A net annual value of £40 or upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of £6 or upwards in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.
Cavan.	Mayo.	
Leitrim.		

## CLASS III.

In the counties of the cities of—		A net annual value of £20 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.
Dublin.	Limerick, and	
Cork.	Waterford.	

## CLASS IV.

In the county of—  
The city of Kilkenny,  
The town of Carrickfergus,  
The town of Drogheda, and  
The town of Galway.

A net annual value of £15 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

## CLASS V.

In any borough (other than those specified above) having a separate court of sessions of the peace or a court of record for the trial of civil actions.

A net annual value of £20 or upwards in respect of lands, tenements, or hereditaments within any such borough.

## SECOND SCHEDULE.

The net annual value of the rating qualification of special jurors shall be as follows:—

## CLASS I.

In the counties of—  
Antrim. Dublin.

A net annual value of £150 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £50 or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

## CLASS II.

In the counties of—  
Cork. Limerick.  
Down. Meath.  
Kildare. Tipperary.

A net annual value of £150 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £100 or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

## CLASS III.

In the county of—  
Westmeath.

A net annual value of £100 or upwards in respect of lands, tenements, or hereditaments in the said county.

## CLASS IV.

In the counties of—  
Armagh. Londonderry.  
Carlow. Queen's Co.  
Clare. Roscommon.  
Galway. Waterford.  
Kilkenny. Wexford.  
King's Co. Wicklow.

A net annual value of £100 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £50 or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

## CLASS V.

In the counties of—  
Cavan. Louth.  
Donegal. Mayo.  
Fermanagh. Monaghan.  
Kerry. Sligo.  
Longford. Tyrone.

A net annual value of £70 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £50 and upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

## CLASS VI.

In the county of—  
Leitrim.

A net annual value of £50 and upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of £40 or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within the said county.

## CLASS VII.

In the counties of—  
The city of Cork.  
The city of Dublin.

A net annual value of £50 and upwards in respect of lands, tenements, or hereditaments within any of the said counties.

## CLASS VIII.

In the county of the city of  
Limerick.

A net annual value of £40 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

## CLASS IX.

In the counties of—  
The city of Waterford,  
The city of Kilkenny,  
The town of Carrickfergus,  
The town of Drogheda, and  
The town of Galway.

A net annual value of £30 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

## THIRD SCHEDULE.

## FORM

## PRECEPT FOR THE RETURN OF LISTS OF JURORS.

(1) County of County of (1)  
the city of —  
county of the  
town of —, or  
borough of —,  
as the case may  
be.]  
To the Clerk of the Poor Law Union of  
in the said county of (1)

You are hereby required, on or before the

first day of August in this present year, to  
prepare a complete and true list in writing,  
according to the form sent herewith for each  
(barony, (2) division of a barony, or other  
district) of the said county (1) within the  
said union, of the names of all men who are  
qualified under the Juries (Ireland) Acts to  
serve as jurors for the said county of (1)

that is to say, a complete and true list for  
each (barony, (2) division of a barony, or  
other district) of the said county, (3) con-  
taining the name of every man who resides  
within the said county, (3) (or in case he or  
the company of which he is a director or  
manager, or the board or body of which he  
is a member as hereinafter mentioned, has  
or uses for the purposes of any trade or  
business, any counting-house, office, shop,  
store, or place of business within the said

county of the city (4) of, although such man  
may not reside therein, provided that he re-  
side within twelve statute miles therefrom),  
and has in his own name or in trust for him  
a clear income of £10 by the year in lands  
and tenements of freehold tenure, situate in

such (barony, (2) division of a barony, or  
other district) of the said county (3) or in  
rents issuing out of any such lands or tenements,  
or in such lands, tenements, and  
rents taken together in fee simple or fee  
tail, or for any life or lives whatsoever; or  
has a clear income of twenty pounds by the  
year in lands or tenements situate in such  
(barony, (2) division of a barony, or other  
district) of the said county (3) held by lease  
originally made for an absolute term of not  
less than twenty-one years, whether the  
same shall or shall not be determinable on

any life or lives; or is either in his own  
name or as a member of a firm or co-part-  
nership rated in the last rate made in  
the said union, for the relief of the poor  
in respect of any lands, tenements, or hereditaments situate within such (barony, (2) division of a barony, or other district) in the said county (3) of the net annual value of \* pounds or upwards, or is a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any

(2) "Ward," in counties of cities, counties of towns, or boroughs.  
(3) [County of a city, county of a town, or borough, as the case may be.]  
such business within such (barony, (2) division of a barony, or other district) in the said (county), (3) or is a member of any board of harbour commissioners or other body intrusted under the provisions of any Act of Parliament with the management of any harbour or dock within such (barony, (2) division of a barony, or other district) in the said (county) (3); and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surnames in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (stating (a) the counting-house, office, shop, or place of business of any person who is deemed under section two of "The Jurors Qualification Act (Ireland), 1876," to be resident in respect thereof as the place of abode of such person), the nature of his qualification, his title, quality, calling, or business, the place and amount of his freehold or leasehold property (in case he be qualified in respect of such property), and the place and annual value of his rated property (in case he be qualified in respect of rated property) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in preparing the said list you are, in case any person returned in the said list shall be under the age of 21 years or over the age of 65 years, or otherwise disqualified or exempted from serving on juries, to state the fact of such person being under the age of 21 years or over the age of 65 years, or the grounds of such disqualification or exemption, opposite his name in the proper columns of the said form; and you are required, on or before the first day of August in the present year, to deliver the said list, with the declarations at the foot or end of the said list in the said form set forth, signed respectively by you and the poor rate collector or collectors by whose assistance you may have prepared the said list, to the clerk of the peace for the said county, (3) and you are hereby required, within twenty-one days after the delivery of the said list to the said clerk of the peace, to cause a sufficient number of copies of the said list to be printed, published, and posted within the barony, (2) division of a barony, or other district, for which the said list shall have been prepared, and you are further required to attend the chairman or revising barrister of the said county, (3) and produce the rate books of the said union at any of the courts to be held for the revision of the said list, of the time and place of holding which

(a) In the case of a county of a city, county of a town, or borough.

(2) "Ward" in counties of cities, counties of towns, or boroughs.

(3) County of a city, county of a town, or borough, as the case may be.]

\* Insert here the amount of the net annual value fixed for the said county, county of a city, county of a town, or borough as the proper qualification of jurors in the first schedule to this Act.

tail, or for any life or lives whatsoever; or has a clear income of twenty pounds by the year in lands or tenements situate in the said county of the city of Dublin, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or in case he or the company of which he is a director or manager, or the board or body of which he is a member as hereinafter mentioned, has or occupies any counting-house, office, shop, or place of business within the said county of the city of Dublin, although such man may not reside therein, provided that he resides within twelve statute miles therefrom, who is either in his own name or as a member of a firm or co-partnership rated in the last rate made for the relief of the poor in the said county of the city of Dublin in respect of any lands, tenements, or hereditaments situate in such ward of the county of the city of Dublin of the net annual value of twenty pounds or upwards; or is a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter or by or under the provisions of any Act of Parliament, and carrying on any such business within the said county of the city of Dublin, or is a member of any board of harbour commissioners, or other body intrusted, under the provisions of any Act of Parliament, with the management of any harbour or docks within the said county of the city of Dublin; and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surname in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (stating the counting-house, office, shop, or place of business of any person who is deemed under section two of "The Jurors' Qualification (Ireland) Act, 1876," to be resident in respect thereof as the place of abode of such person), the nature of his qualification, his title, quality, calling, or business, the place and amount of his freehold or leasehold property (in case he be qualified in respect of such property), and the place and annual value of his rated property (in case he be qualified in respect of rated property) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in ascertaining the said net annual value you shall not reckon or take into account the annual value of any house or tenement let to weekly or monthly tenants or in separate apartments, the owner whereof is under the statute of 12 and 13 Victoria, chapter 91, section 63, rated instead of the occupier thereof; and in preparing the said list you are, in case any person returned on said list shall be under the age of twenty-one years or over the age of sixty-five years, or disqualified or

"GENERAL LIST OF JURORS" for the \_\_\_\_\_ ward  
in the said county of the city of Dublin, prepared this  
day of \_\_\_\_\_, 18\_\_\_\_, by the Collector-General of  
Rates for the city of Dublin.

3) [Division of said barony of (2) , in pursuance of the

## CAP. XXII.

An Act to amend "The Trade Union Act, 1871."

[30th June, 1876.]

Whereas it is expedient to amend "The Trade Union Act, 1871":

Be it enacted, &c.:

1. *Construction and short title.*] This Act and "The Trade Union Act, 1871," hereinafter termed the principal Act, shall be construed as one Act, and may be cited together as "The Trade Union Acts, 1871 and 1876," and this Act may be cited separately as "The Trade Union Act Amendment Act, 1876."

2. *Trade Unions to be within s. 28 of "Friendly Societies Act, 1875."*] Notwithstanding anything in section five of the principal Act contained, a trade union, whether registered or unregistered, which insures or pays money on the death of a child under ten years of age, shall be deemed to be within the provisions of section twenty-eight of "The Friendly Societies Act, 1875."

3. *Amendment of s. 8 of principal Act.*] Whereas by section eight of the principal Act it is enacted that "the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch," the said section shall be read and construed as if, immediately after the hereinbefore recited words, there were inserted the words "or of the trustees of the trade union, if the rules of the trade union so provide."

4. *Provision in case of absence, &c., of trustee.*] When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from Great Britain or Ireland respectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the Accountant-General or Deputy or Assistant Accountant-General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

5. *Jurisdiction in offences.*] The jurisdiction conferred in the case of certain offences by section twelve of the principal Act upon the court of summary jurisdiction for the place in which the registered office of a trade union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offence has been committed.

6. *Registry of unions doing business in more than one country.*] Trade unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office is situate; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this Act or the principal Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

7. *Life Assurance Companies Acts not to apply to registered unions.*] Whereas by "The Life Assurance Companies Act, 1870," it is provided that the said Act shall not apply to societies registered under the Acts relating to friendly societies, the said Act (or the amending Acts) shall not apply nor be deemed to have applied to trade unions registered or to be registered under the principal Act.

8. *Withdrawal or cancelling of certificate.*] No certificate or registration of a trade union shall be withdrawn or cancelled otherwise than by the chief Registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, by the assistant-registrar for Scotland or Ireland, and in the following cases:

(1) At the request of the trade union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct:

(2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section six of "The Trade Union Act, 1871," or that such trade union has wilfully, and after notice from a registrar whom it may concern, violated any of the provisions of the Trade Union Act, or has ceased to exist.

Not less than two months' previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith) shall be given by the chief or assistant registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union; but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

9. *Membership of minors.*] A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

10. *Nomination.*] A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

11. *Change of name.*] A trade union may, with the approval in writing of the chief Registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, of the assistant-registrar for Scotland or Ireland respectively, change its name by the consent of not less than two-thirds of the total number of members.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union, or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

12. *Amalgamation.*] Any two or more trade unions may by the consent of not less than two-thirds of the members of each or every such trade union, become amalgamated

together as one trade union, with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

13. *Registration of changes of names and amalgamations.*

Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the central office established by "The Friendly Societies Act, 1875," and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

14. *Dissolution.* The rules of every trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the central office hereinbefore mentioned, or, in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant-registrar for Scotland or Ireland respectively, and shall be registered by them: Provided, that the rules of any trade union registered before the passing of this Act shall not be invalidated by the absence of a provision for dissolution.

15. *Penalty for failure to give notice.* A trade union which fails to give any notice or send any document which it is required by this Act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than one pound, and not more than five pounds, recoverable at the suit of the chief or any assistant registrar of friendly societies, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

16. *Definition of "trade union" altered.* So much of section twenty-three of the principal Act as defines the term trade union, except the proviso qualifying such definition, is hereby repealed, and in lieu thereof be it enacted as follows:—

The term "trade union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

CAP. XXIII.

An Act to amend "The Prevention of Crimes Act, 1871."  
[13th July, 1876.]

Whereas by "The Prevention of Crimes Act, 1871," all persons convicted of crime in the United Kingdom are required to be registered and photographed, and unnecessary expense is thereby incurred:

Be it enacted, &c.:

1. *Short title of Act.* This Act may be cited for all purposes as "The Prevention of Crimes Amendment Act, 1876."

2. *Restriction on obligation to register and photograph criminals.* In Great Britain the Secretary of State, and in Ireland the Lord Lieutenant, may from time to time by order prescribe the class or classes of prisoners to which the enactments of "The Prevention of Crimes Act, 1871," relating to registry and photographing, are for the time being to apply; and such enactments shall, so long as any

such orders are in force, be deemed to apply to the prescribed class or classes of prisoners only, and not to all persons convicted of crime.

CAP. XXIV.

An Act for the Relief of the Executors of Testates in Scotland where the Personal Estate is of small value.  
[13th July, 1876.]

CAP. XXV.

An Act to amend the Law in Scotland in regard to the division of Burghs into Wards.  
[13th July, 1876.]

CAP. XXVI.

An Act to assimilate the Law of Scotland relating to the granting of Licences to sell intoxicating Liquors to the Law of England.  
[13th July, 1876.]

CAP. XXVII.

An Act to authorize the Reduction of Local Light Dues.  
[13th July, 1876.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as "The Local Light Dues Reduction Act, 1876."

2. *Power to reduce local light dues.* Any local authority not otherwise empowered may and is hereby authorized and empowered from time to time, with the consent of her Majesty in Council, to reduce all or any dues for the time being receivable by such local authority in respect of light-houses, buoys, or beacons.

*Definition of "local authority."* The term "local authority" in this Act shall mean any person or body of persons having by law or usage authority over local light-houses, buoys, or beacons.

CAP. XXVIII.

An Act to amend "The Court of Admiralty (Ireland) Act, 1867," and confer a more extended Admiralty Jurisdiction on the Recorders of Cork and Belfast.  
[13th July, 1876.]

Whereas it is expedient to extend the jurisdiction in admiralty conferred by "The Court of Admiralty (Ireland) Act, 1867" (in this Act referred to as "the principal Act") upon the recorders of the boroughs of Cork and Belfast:

Be it enacted, &c.:

1. *Short title.* This Act may be cited as "The Court of Admiralty (Ireland) Amendment Act, 1876."

2. *Construction of Act.* The principal Act as amended by this Act and this Act shall be construed together as one Act.

3. *Admiralty jurisdiction of Recorders of Cork and Belfast.* The district within which admiralty jurisdiction may be exercised by the court of the recorder of the borough of Cork shall be the county of Cork, with the parts of the sea adjacent to the same to a distance of three miles from the shore thereof; and the district within which admiralty jurisdiction may be exercised by the court of the recorder of the borough of Belfast shall be the counties of Antrim and Down, with the parts of the sea adjacent to the same to a distance of three miles from the shore thereof.

In addition to any jurisdiction conferred by the principal Act upon these courts, each of them shall have all such jurisdiction, power, and authority as may be necessary for the trial and determination of any cause relating to all or any of the matters following (in this Act referred to as an "admiralty cause"):

(1) As to any claim for salvage, any cause in which the value of the property saved does not exceed one thousand four hundred pounds, or in which the amount claimed does not exceed four hundred pounds:

(2) As to any claim arising out of any agreement made for or in relation to the use or hire of any ship, or for or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed four hundred pounds:

(3) In all cases where jurisdiction is given by the principal

pal Act to the local court, and where the amount claimed does not exceed four hundred pounds:

- (4) Any cause in respect of any such claims as aforesaid, in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum, signed by them or by their attorneys or agents, that the court shall have jurisdiction, and hear and determine the same.

4. *Power to arrest and hold to bail.*] Each of the said courts shall have jurisdiction to hold to bail, notwithstanding that the amount sued for in the cause shall exceed the limit fixed by the principal Act or by this Act; but in such cases the cause shall in other respects be subject to the provisions of the seventy-seventh section of the principal Act, and the registrars, or officers acting as registrars, in the said courts shall have the same powers within their jurisdiction as are conferred on registrars by section forty-six of the principal Act.

5. *Bail in certain cases.*] If a ship or goods shall be arrested, by a warrant from the High Court of Admiralty in Ireland, within a district subject to the jurisdiction of the court of either of the said recorders (except in the case of final execution), bail may be given in the court of the recorder in whose district the same shall have been arrested in like manner as is provided for by the preceding section; and such recorder shall have in respect of the proceedings for that purpose the same authority and power as the judge of the High Court of Admiralty, subject, however, upon appeal, to the control and direction of the said judge, and the provisions of section forty-seven of the principal Act shall apply in all cases of arrest under this Act.

6. *Power to change venue.*] The High Court of Admiralty, on motion by any party to an admiralty cause pending in such High Court, may, if it thinks fit, transfer the cause to either of the said recorders' courts, on such terms (if any) as to security for costs or otherwise as said High Court may direct.

7. *Procedure.*] The mode of procedure in the courts of the said recorders in admiralty causes, and the scale of costs and charges to be payable in respect of admiralty business in such courts, shall be regulated and fixed by rules and orders to be made by the Lord Chancellor, with the concurrence of the said recorders or one of them.

The Lord Chancellor, with the concurrence of the Commissioners of her Majesty's Treasury, may also fix and determine what court and office fees shall be payable in respect of such business, and such fees shall be received and accounted for in the manner provided in the one hundred and fourteenth and one hundred and fifteenth sections of the principal Act.

8. *Nautical assessors in recorders' courts.*] On the hearing of any admiralty cause by any one of the said recorders, such recorder shall have power to call to his assistance one or more nautical assessor or assessors, to be selected by him; and the advice and opinion of such nautical assessor or assessors may be taken by the said recorder in the same manner as is in use in the High Court of Admiralty (Ireland); and such recorder shall have power to direct what remuneration shall be paid to each such assessor for his attendance, and to order the same to be paid by such of the parties to the cause as he shall think just.

9. *Courts for hearing admiralty causes.*] The said recorders respectively shall hear and determine admiralty causes at the usual courts held within their jurisdiction, or at special courts to be held by them, and which they are hereby required to hold as soon as conveniently may be, after they shall respectively have had notice of issue being joined in an admiralty cause arising within the jurisdiction of their respective courts.

10. *In certain cases may sue by civil bill.*] When the amount or value in dispute shall not exceed fifty pounds, the same may be sued for by civil bill process, and the proceedings conducted in the same manner and subject to the same rules as are applicable to other actions by civil bill.

11. *Additional salaries.*] It shall be lawful for the Commissioners of her Majesty's Treasury, if they shall think fit, with the consent of the Lord Lieutenant or other chief governor or governors of Ireland, to award to each of the said recorders or either of them, as remuneration for any

additional duty imposed upon them by this Act or by the principal Act, such annual or other sums as they shall deem reasonable, and such sums shall be paid out of moneys which shall be provided by Parliament for the purpose.

12. *Power to appoint marshals.*] It shall be lawful for each of the said recorders, with the approval of the Lord Chancellor, to appoint some officer of his court, or other fit person, to act as marshal within the district over which such recorder has jurisdiction; and such person shall, while acting as such marshal, have, exercise, and be subject to the like jurisdiction, powers, authorities, and liabilities within such district as the marshal of the High Court of Admiralty in Ireland; and such person, while acting as such marshal as aforesaid shall be entitled to claim and receive such fees in respect of admiralty business as from time to time the Lord Chancellor, with the approval of the Commissioners of her Majesty's Treasury, shall order and direct.

The registrar and other officers of the courts of said recorders may also receive, for their own use, such fees in respect of admiralty business as the Lord Chancellor with such concurrence as aforesaid may direct.

Every officer receiving fees shall keep an account of the fees received by him, and shall be bound, when required, to furnish to the Commissioners of her Majesty's Treasury an account of his receipts: Provided that it shall be lawful for said commissioners at any time to order that such officers shall be paid by salaries instead of fees, and to fix the salaries, and thereupon the fees paid to such officer shall be paid into the Exchequer at such times and under such regulations as the said commissioners shall direct, and the salaries of such officers shall be paid out of moneys to be provided by Parliament.

In causes transmitted from the court of either of the said recorders to the High Court of Admiralty, the person for the time being appointed by such recorder to act as marshal in the district subject to his jurisdiction shall be subject to, and bound to obey, the judge of the High Court of Admiralty.

The marshal of the High Court of Admiralty shall act only in proceedings in the High Court.

13. *Registrar to appoint deputy in case of illness, &c.*] In case of the illness or unavoidable absence of any person who, at the time of the passing of this Act, shall hold the office of registrar of either of the said courts, it shall be lawful for such registrar from time to time to appoint a good and sufficient deputy, subject to the approval of the Lord Chancellor, to act during the illness or unavoidable absence of such registrar in his place and for the discharge of the duties by this Act imposed upon such registrar, but not further or otherwise.

The registrar appointing any deputy under this section shall pay the remuneration of such deputy, and shall continue liable notwithstanding such appointment for the due discharge of the duties of this Act imposed upon such registrar.

14. *Appeal.*] An appeal shall lie from decrees and orders made in admiralty causes within the provisions of this Act to the same tribunal, and in the same manner, and subject to the same rules as are provided in the principal Act in reference to cases within the jurisdiction of local courts, and the several provisions of the principal Act in relation to local courts (except when the same shall be inconsistent with the provisions of this Act) shall apply to causes and proceedings under this Act.

15. *Amendment of thirty-seventh section of principal Act.*] The jurisdiction conferred by the thirty-seventh section of the principal Act upon the High Court of Admiralty shall be and is hereby extended to goods shipped upon or carried by, or about to be shipped upon or carried by, any ship from any port in Ireland.

This jurisdiction, as extended, may and shall be exercised by the recorders of the borough of Cork and Belfast respectively, where the amount claimed does not exceed four hundred pounds.

16. *Additional jurisdiction given to the High Court of Admiralty.*] After the passing of this Act the High Court of Admiralty shall have jurisdiction to decide all claims arising out of any agreement made for or in relation to the use or hire of any ship, or for or in relation to the carriage of goods in any ship, and also all claims in tort in respect of goods carried in any ship.

## CAP. XXIX.

## An Act for the Preservation of Wild Fowl.

[24th July, 1876.]

Whereas the wild fowl of the United Kingdom, forming a staple article of food and commerce, have of late years greatly decreased in number by reason of their being inconsiderately slaughtered during the time that they have eggs and young; and whereas owing to their marketable value the protection accorded to them by the Act of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter seventy-eight, intituled "An Act for the Protection of Certain Wild Birds during the Breeding Season," is insufficient; it is expedient therefore to provide for their further protection during the breeding season:

Be it enacted, &amp;c.:

1. *Definition of terms.*] The words "wild fowl" shall for all the purposes of this Act be deemed to include the different species of avocet, curlew, dotterel, dunbird, dunlin, godwit, greenshank, lapwing, mallard, oxbird, peewit, phalarope, plover, plover's-page, pochard, purr, redshank, reeve or ruff, sanderling, sandpiper, sealark, shoveller, snipe, spoonbill, stint, stone-curlew, stonehatch, summer-snipe, teal, thick-knee, whaup, whimbrel, widgeon, wild duck, wild goose, and woodcock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

2. *Season during which wild fowl shall not be killed.—Penalty.*] Any person who shall kill, wound, or attempt to kill or wound, or take any wild fowl, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any wild fowl, or shall have in his control or possession any wild fowl recently killed, wounded, or taken between the fifteenth day of February and the tenth day of July in any year, shall, on conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such wild fowl so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction.

3. *Home Office, &c., on application of justices, may vary such period.*] The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter sessions assembled of any county, extend or vary the time during which the killing, wounding, and taking of wild fowl is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of her Majesty's principal Secretaries of State, after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

4. *Persons offending against this Act may be required to tell their names and abodes.—Penalty for refusing.*] Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his Christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

5. *Application of penalty.*] One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been

committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by such inspector paid over to the use of the funds for the relief of the poor in such parish; and if recovered in Ireland, such penalty shall be applied according to the provisions of "The Fines Act (Ireland), 1851," or any Act amending the same.

6. *As to trial of offences committed within the admiralty jurisdiction.*] All offences mentioned in this Act, which shall be committed within the jurisdiction of the admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas;" and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

7. *As to offences committed on boundary waters.*] Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

## CAP. XXX.

## An Act to amend "The Settled Estates Act of 1856."

[24th July, 1876.]

Whereas by section fourteen of "The Settled Estates Act of 1856" (19 and 20 Victoria, chapter 120), herein called the principal Act, it is enacted that it shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in the principal Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, garden, or other open spaces, sewers, drains, or water-courses, either to be dedicated to the public or not: And whereas difficulty in the exercise of the said power has arisen for want of sufficient power to direct the said streets and other works to be made and executed, and to provide for the expenses incurred in relation thereto, and it is expedient to amend the principal Act accordingly:

Be it enacted, &amp;c.:

1. *Making and executing, and expenses of laying out and making and executing, streets, roads, and other works.*] Where under section fourteen of the principal Act any part of any settled estates is directed to be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, the court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connections, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of, or charge upon, all or any part of the settled estates, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates.

2. *Short title, and construction.*] This Act may be cited as "The Settled Estates Act, 1876," and shall be construed as one with the principal Act.

## CAP. XXXI.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners, and to amend "The Public Works Loans Act, 1875."

[24th July, 1876.]

## CAP. XXXII.

An Act to amend "The Friendly Societies Act, 1875."

[24th July, 1876.]

Whereas it is expedient to amend on some points "The Friendly Societies Act, 1875":

Be it enacted, &c.:

1. *Construction of Act.—Short Title.* This Act shall be construed as one with "The Friendly Societies Act, 1875" (herein termed "the principal Act"), and may be cited as "The Friendly Societies Amendment Act, 1876," or together with the principal Act as "The Friendly Societies Acts."

2. *Meaning of "Treasury regulations."* In this Act the term "Treasury regulations" means any regulations made and approved by the Treasury and for the time being in force under and by virtue of the principal Act.

3. *Conversion of registered societies into branches.* With respect to the conversion of registered societies into branches the following provisions shall have effect:

(1) A society registered before the first day of January, one thousand eight hundred and seventy-six, may, by a resolution passed by three-fourths of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under the Friendly Societies Acts of any other registered society, and also, if thought fit, of any registered branch thereof; and if the rules of such society do not comply with all the provisions of the principal Act and of the Treasury regulations in respect of the registry of branches, the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with the principal Act and with the Treasury regulations.

(2) A copy of the rules of such first-mentioned society marked to show the amendments, if any, made at such meeting, and two copies of such resolution as aforesaid, and of such amendment of rules, if any, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society, and countersigned by the secretary of such other society, shall be sent to the registrar, and if the registrar finds that such rules, with or without such amendment as aforesaid, comply with the provisions of the Act and of the Treasury regulations, he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society, and also, if so specified in the resolution before mentioned, of any branch of such other society, without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.

(3) No advertisement of any cancelling of registry under this section shall be requisite.

(4) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of the principal Act or of the Treasury regulations, and subject to any amendment thereof as hereinbefore provided, continue in force as the rules of such branch until amended.

4. *Registered societies may contribute to funds of other societies.* Nothing in the principal Act or in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society, as may be provided in the rules of such first-named society or branch, without becoming a branch under the Friendly Societies Acts of such other society or branch.

5. *Forms of acknowledgment of registry for branches.* The

acknowledgment of registry of a branch, and of any amendment of the rules of a branch, shall be in the forms provided in the schedule to this Act.

6. *Term "society" when to include registered branch.* It is declared that the word "society" extends to a registered branch in sub-sections (5) and (6) of section 13, sub-sections (2), (3), and (4) of section 14, sub-sections (1) to (7), both included, (9), and (10) of section 15, sub-sections (1), (6), (7), (9), and (10) of section 16, sections 17, 19, and 20, sub-sections (2) and (4) of section 21, sections 22, 26, 28, 30, 31, 32, and 33 of the principal Act.

7. *As to deaths at sea.* Section 14, sub-section (2), of the principal Act shall not apply to deaths at sea.

8. *Amendment in fees payable on certificates of births or deaths.* Whenever application is made at one time to any registrar or other person having the care of any register of births or death for more certificates than one of the same birth or death for the purposes of and in the manner prescribed by section fifteen, sub-section nine, or section twenty-eight, sub-section three, of the principal Act, the sum charged for every such certificate other than the first shall not exceed sixpence; and whenever the registrar or other person having the care of the register is required by the person applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding threepence for so doing.

9. *What shall be sufficient distribution of annual return.* It shall be a sufficient compliance with section 14, sub-section (1), sub-head (h), of the principal Act, if the society supplies gratuitously every member or person interested with a balance-sheet or other document duly audited, containing the same particulars as to the receipts and expenditure, funds and effects of the society as are contained in the annual return.

10. *Amendments of sub-sections (3) and (6) of s. 15 of principal Act.* Section 15, sub-section (3), of the principal Act shall be read as if after the words "not being an officer or servant of the society" there were inserted the words "unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator;" and sub-section (6) of the said section shall be read as if instead of the words "absent from England or Ireland respectively" there were substituted the words "absent from Great Britain or Ireland respectively."

11. *Notice of proceedings or order to set aside dissolution.* Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society or branch, not less than seven days before it is commenced, by the person taking such proceeding, and of any order setting a dissolution aside, by the society or branch, within seven days after such order is made.

12. *Correction of misprint in schedule II.* In schedule II. to the principal Act the provision marked 5 and beginning with the words "the right of one fifth" shall be read as if, instead of the words "five thousand," there were inserted therein the words "ten thousand."

## SCHEDULE.

## ACKNOWLEDGMENT OF REGISTRY OF BRANCH.

The \_\_\_\_\_ is registered as a branch of the Society [and of the \_\_\_\_\_ branch of the same] under "The Friendly Societies Act, 1875," this \_\_\_\_\_ day of \_\_\_\_\_ [Seal of central office or signature of assistant-registrar for Scotland or Ireland.]

## ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES.

The foregoing amendment of the branch rules of the \_\_\_\_\_ is registered under "The Friendly Societies Act, 1875," this \_\_\_\_\_ day of \_\_\_\_\_ [Seal of central office or signature of assistant-registrar for Scotland or Ireland.]

## CAP. XXXIII.

An Act for the Amendment of "The Trade-Marks Registration Act, 1875."

[24th July, 1876.]

38 & 39 Viet. c. 91.] Whereas by "The Trade-Marks Registration Act, 1875," in this Act referred to as the principal

pal Act, it is provided that from and after the first day of July, one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade-mark as defined by the principal Act until and unless such trade-mark is registered in pursuance of that Act:

And whereas by reason of the number of trade-marks, and especially by reason of the difficulties attending the registration of trade-marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade-marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it enacted, &c.:

1. *Amendment of s. 1 of the principal Act.*] There shall be repealed so much of section one of the principal Act as provides that from and after the first day of July, one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade-mark as defined by that Act until and unless such trade-mark is registered in pursuance of that Act, and in place thereof be it enacted that—

From and after the first day of July, one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade-mark as defined by the principal Act until and unless such trade-mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade-mark before the passing of the principal Act, registration thereof as a trade-mark under the principal Act shall have been refused as hereinafter is mentioned.

2. *Saving of marks and devices not capable of being registered under Act.*] When an application by any person to register as a trade-mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade-mark, which has been in use as a trade-mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so granted shall be conclusive evidence of such refusal.

3. *Short title.*] This Act may be cited for all purposes as "The Trade-Marks Registration Amendment Act, 1876."

#### CAP. XXXIV.

An Act to amend the Law relating to Elver Fishing.

[24th July, 1876.]

Whereas by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first day of January and the twenty-fourth day of June, inclusive, shall hang, fix, or use in any salmon river any baskets, nets, traps, or devices for catching eels or the fry of eels":

And whereas it is expedient to amend the law relating to elver fishing:

Be it enacted, &c.:

1. *Repeal of part of 15th section of 36 & 37 Viet. c. 71.*] From and after the passing of this Act, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels shall be and the same is hereby repealed.

2. *Close period for elvers in the River Severn Fishery District.*] With respect to the River Severn Fishery District the period between the first day of January and the last day of February, inclusive, and the period between the twenty-sixth day of April and the twenty-fourth day of June, inclusive, shall each be a close period for elvers or the fry of eels, and the following provisions shall apply:

(a) Any person who, during either of the said close periods shall take or use any instrument for taking in the River Severn Fishery District elvers or the fry of eels shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings.

(b) Any person who, during either of the said close periods, shall sell or have in his possession for sale elvers or the fry of eels within the hundreds of Kiftgate, Deerhurst, Dudstone and Kings Barton, Berkeley,

Duchy of Lancaster, Westbury, Westminster, and Tewkesbury, in the county of Gloucester, shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings, unless he satisfies the court before whom he is charged that such elvers or the fry of eels were not taken within the Severn Fishery District.

For the purposes of this Act the River Severn Fishery District shall mean and include the River Severn Fishery District as defined by the certificate of one of her Majesty's Principal Secretaries of State, dated 18th January, 1866.

#### CAP. XXXV.

An Act for consolidating the Duties of Customs.

[24th July, 1876.]

#### CAP. XXXVI.

An Act to consolidate the Customs Laws.

[24th July, 1876.]

Whereas it is expedient that the several Acts now in force for the management and regulation of Customs should be consolidated into one Act:

Be it enacted, &c.:

#### MANAGEMENT.

*As to the appointment of Commissioners of Customs, &c.*

1. *Board of Customs appointed by her Majesty not to exceed five.*] It shall be lawful for her Majesty from time to time to appoint, under the Great Seal of the United Kingdom, any number of persons not exceeding five to be Commissioners of Customs, for the collection and management of the Customs of the United Kingdom and of her Majesty's possessions abroad, and each of such commissioners when so appointed shall have and hold his office during her Majesty's pleasure.

2. *Commissioners subject to the control of the Treasury.*] The commissioners so appointed shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and control of the Commissioners of the Treasury, and shall obey such orders and instructions as shall from time to time be issued to them by the Commissioners of the Treasury.

3. *Appointment of officers.—Salaries and securities.—Retiring officer to deliver up commission.—Salaries, &c., not subject to duties.—Superannuation allowances not assignable.*] The Commissioners of the Treasury, or, under their authority, the Commissioners of Customs, may appoint proper persons for the management and collection of the Customs, and the performance of all duties connected therewith, under the control and direction of the Commissioners of Customs, and grant to such persons such salaries and allowances, and permit them to receive such emoluments for executing the duties of their respective offices, as they may deem fit, and require of such persons such securities for their good conduct as the Commissioners of Customs shall deem necessary; and such persons shall hold their offices during the pleasure of the Commissioners of the Treasury or of the Commissioners of Customs; and any person so appointed, and holding a deputation or commission, shall deliver up the same to the Commissioners of Customs, or otherwise account for the same to their satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person may, on conviction before any justice of the peace, be imprisoned in any gaol until he shall deliver up such deputation or commission, or account for the same, to the satisfaction of the Commissioners of Customs; and all salaries and allowances granted to any officer or other person in the service of the Customs shall be paid without any deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon; and when any sum of money shall have been or shall be granted annually or otherwise to any person who has been employed in the service of the Customs as a superannuation allowance upon the retirement of such person from such service, or as a compensation for past services, it shall not be lawful for the grantee of such allowance or compensation to assign or dispose of the same to any person or persons whomsoever, and any such assignment or disposition shall be void to all intents and purposes, and shall not be enforced in

any court of law or equity: Provided that if any officer in the receipt of any salary or allowance shall, by reason of insanity, be placed in any asylum, the Commissioners of Customs may advance and pay out of the salary or allowance accruing due to him such portion thereof as they may see fit for or towards the cost of his maintenance in such asylum.

4. *Persons employed on service of the Customs to be deemed officers for such service.*] Every person employed on any duty or service relating to the Customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of her Majesty's possessions abroad, by the orders or with the concurrence of the Commissioners of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioners of Customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Commissioners of Customs for such purpose, shall be deemed to be done at the particular place so required by law.

5. *Officers taking fee or reward not authorized by law, to be dismissed.*] If any officer, clerk, or any other person acting in any office or employment in or belonging to the Customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the Customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under the permission of the Commissioners of the Treasury or Customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the Commissioners of Customs, be dismissed from his office.

6. *Declaration on admission to office.*] Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Commissioners of Customs shall, on his admission thereto, if required by them, make the following declaration:

"I, A.B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection in the service of her Majesty's Customs; and that I will not require, take, or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter, or thing done or performed, or to be done or performed, in the execution or discharge of any of the duties of my office or employment, on any account whatever, other than my salary and what is or shall be allowed me by law, or by any special order of the Commissioners of her Majesty's Treasury, or the Commissioners of her Majesty's Customs for the time being."

7. *Hours of attendance, and division of duties in those hours.*] The Commissioners of the Treasury may, by their warrant, from time to time appoint the hours of general attendance of the Commissioners and officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment; and the Commissioners of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed.

8. *Holidays.*] No day shall be kept as a public holiday by the Customs, except every Christmas-day and Good Friday, and such other days as are or may be appointed to be kept as such by her Majesty's proclamation or by Act of Parliament, and, so far as regards Scotland, such days as shall be appointed to be so kept by authority of the General Assembly, and also such days as may be appointed for the celebration of the birthdays of her Majesty and of her successors, and such days shall be kept as public holidays by the officers and servants of the dock companies in England and Ireland as required by "The Holidays Extension Act, 1875."

9. *Officers of Customs not to serve in public offices.*—

*Soldiers not to be billeted on officers of Customs.*] No commissioner, officer, clerk, or other person acting in the management or service of the Customs shall be compelled to serve in the militia, or on any jury or inquest, or to assume the office of a mayor or sheriff, or to act in any corporate, parochial, or other public office, and section twelve of "The Juries Act, 1870," shall not apply to persons hereby exempted; nor shall any soldiers or militia be billeted on any such commissioner, officer, or other person as aforesaid.

10. *What shall be deemed orders, &c., of Commissioners of Customs.*] Every order, document, or instrument required by law to be under the hands of the Commissioners of Customs, but not required to be signed by two or more of them, being attested by the signature of any one of such commissioners, and every order, document, or instrument required by any law to be under the hands or under the hands and seals of the Commissioners of Customs, being attested by the hands or the hands and seals of two or more of such commissioners, shall be deemed to be an order, document, or instrument under the hands, or under the hands and seals, as the case may be, of the Commissioners of Customs.

*As to the appointment of ports, quays, warehouses, sufferances wharves, landing and boarding stations.*

11. *Treasury may appoint ports and quays, and alter or vary the limits.*—*Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits.*—*Ports so appointed by Treasury.*—*Warrant to be deemed ports for the purposes of 54 Geo. 3, c. 159.*] The Commissioners of the Treasury may, by their warrant, appoint any port, sub-port, haven, or creek in the United Kingdom or in the Channel Islands, and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, and annul the limits of any port, sub-port, haven, creek, or legal quay already appointed or to be hereafter set out and appointed, and declare the same to be no longer a port, sub-port, haven, creek, or legal quay, or alter or vary the names, bounds, and limits thereof: Provided, always, that when by any such warrant the pre-existing limits of any port, sub-port, haven, creek, or legal quay shall be altered or varied, the same shall not affect or abridge any lawful rights or privileges co-extensive with such pre-existing limits (irrespective of matters relating to her Majesty's Customs) granted to any person or body of persons by any Act of Parliament, grant, or other legal instrument, but they shall be deemed to be and remain the same for the purposes of such Act, grant, or other legal instrument as if no such alteration or variation had been made: Provided that any port so appointed by warrant as aforesaid shall, to the whole extent of the limits thereof, be deemed to be a port within the meaning and for the purposes of the Act of fifty-four George the Third, chapter one hundred and fifty-nine, and of any other public Act for the protection of the ports, harbours, shores, and navigable rivers of the United Kingdom or any part thereof.

12. *Treasury may appoint warehousing ports or places, and warehouses, &c.—Rent in warehouses.*] The Commissioners of the Treasury may, by their warrant, from time to time appoint the ports and inland bonding places in the United Kingdom which shall be warehousing ports or places for the purposes of the Customs Acts, in addition to those already appointed; and, subject to their directions, the Commissioners of Customs may, by their order, from time to time approve and appoint warehouses or places of security in such ports or places, and direct in what different parts or divisions of such warehouses or places, and in what manner, any goods and what sort of goods may, and may only, be warehoused, kept, and secured without payment of duty upon the first entry thereof or for exportation only, in cases where the same may be prohibited to be imported for home use; and the Commissioners of Customs may also fix the amount of rent which shall be payable in respect of any goods deposited or secured in any of the Queen's warehouses; and all such sums shall be paid, received, and appropriated as moneys not duties of Customs.

13. *Warehouse-keeper to give general security.*] The proprietor or occupier of every warehouse so approved (except existing warehouses of special security, in respect of which security by bond has hitherto been dispensed with), or some

one on his behalf, shall, before any goods shall be warehoused therein, give or procure to be given security by bond, or such other security as the Commissioners of the Treasury or Customs may approve, for the payment of the full duties chargeable on any goods which shall at any time be warehoused in any warehouse duly approved by them for that purpose, or for the due exportation thereof.

14. *Commissioners may appoint stations and sufferance wharves, &c., and regulate discharge of cargo and boarding of officers.* The Commissioners of Customs may from time to time, by order under their hands, appoint in the United Kingdom or the Channel Islands stations or places for ships arriving at or departing from any port or place to bring to for the boarding or landing of officers of the Customs, and may also appoint places to be sufferance wharves for the lading and unloading of goods, in such cases, under such restrictions, and in such manner as they shall see fit; and may also direct at what particular part or parts of any harbour, dock, quay, or other place in any such port ships laden with tobacco or any particular cargo shall moor or discharge such cargo; and the Commissioners of Customs, or the collector or other proper officer of any such port, may station officers on board any ship while within the limits of any port.

15. *Power to revoke or alter former warrant or orders.* The Commissioners of the Treasury and the Commissioners of Customs may from time to time revoke or alter any such warrant or order made by them respectively.

16. *Commissioners may order in what ports goods may be carried or water-borne by authorized persons.—Commissioners may require security.* The Commissioners of Customs may order and direct in what ports or places in the United Kingdom goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation, and goods carried or water-borne from any importing ship to, or to be landed at, any wharf, quay, or other place, and such goods shall be so carried or water-borne only by persons authorized for that purpose by licence under the hands of the Commissioners of Customs, who may revoke any such orders or directions, or make others in lieu thereof, when and as they may deem expedient; and may grant such licences in such form and manner and to such persons as they may deem proper, and may revoke the same when and as they shall think fit; and before granting any such licence may require such security, by bond or otherwise, for the faithful and incorrupt conduct of such person, as they shall deem necessary.

*As to the collection and management of duties of Customs, drawbacks, and allowances.*

17. *Duties, drawbacks, &c., to be under the management of the Commissioners of Customs.—Duties and drawbacks to be in British currency, and according to imperial weight and measure.* All duties of Customs or other duties, rates, and charges under the management, collection, or control of the Commissioners of Customs, and all drawbacks and allowances now imposed and allowed, or which may hereafter be imposed or allowed by law, shall be under the management of the Commissioners of Customs for the time being, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the provisions of the laws for the time being in force relating thereto; and all duties, rates, charges, and drawbacks imposed and allowed according to any specified quantity or any specified value shall be deemed to apply in the same proportion to any greater or less quantity or value, and shall be paid and received in every part of the United Kingdom in British currency, and according to imperial weights and measures.

18. *When new duties of Customs are imposed former ones to continue until the new become chargeable, except in certain cases.—Duties due before the passing of this Act to be levied as if payable by this Act.* In all cases where any new duties of Customs or other duties, rates, or charges under the management, collection, or control of the Commissioners of Customs are or may be imposed by any Act of Parliament, or by any resolution of the House of Commons, in lieu of any duties payable at the time of the passing of such Act, such former duties shall be and continue payable until such new duties imposed in lieu thereof shall become chargeable, save and except in cases where the Act or re-

solution imposing such new duties shall otherwise provide; and all moneys arising from any duties of Customs, rates, or charges, or any arrears thereof, payable on account of any goods whatever imported into or exported from the United Kingdom under any former Act, although computed under such former Act, and whether secured by bond or otherwise, shall be levied, paid, and appropriated in the same manner as if the same had been made payable by this or any other Act in force for the time being; and all drawbacks or allowances payable under any former Act shall be paid or allowed under this or such other Act as may be in force for the time being.

19. *Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.* All goods deposited in any warehouse or place of security under any Act for the warehousing of goods, without payment of duty upon the first importation thereof, or which may be imported and on board any ship, shall, upon being entered for home consumption, be subject to such and the like duties as may at the time of passing such entry be due and payable on the like sort of goods under any Customs Acts in force at the time of passing such entry, save and except in cases where special provision shall be made by such Act to the contrary.

20. *When contracts have been entered into, amount of increased or decreased duty to be added or deducted.* In the event of any increase, decrease, or repeal of duties of Customs chargeable upon any goods or commodities after the making of any contract or agreement for the sale or delivery of such goods duty-paid, it shall be lawful for the seller, in case such increase shall accrue before the clearance and delivery from the warehouse of such goods at such increased duty, and after payment thereof, to add so much money to the contract price as will be equivalent to such increase of duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the purchaser under any such contract or agreement, in case such decrease or repeal shall take effect before the clearance and delivery from the warehouse at such decreased duty, or free of duty, as the case may be, to deduct so much money from the contract price as will be equivalent to such decrease of duty or repealed duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

21. *All moneys, &c., received on account of Customs to be paid into the Bank of England.* All money, bills, notes, and drafts received on account of the revenue of Customs in Great Britain, and all other money arising by the duties of Customs in Great Britain, shall from time to time be paid into the hands of the Governor and Company of the Bank of England, and shall be place to an account to be raised in the books of the said company, intitled "The General Account of the Commissioners of Customs;" and all money arising from the duties of Customs in Ireland shall be paid into the receipt of her Majesty's Exchequer.

22. *The Treasury may make rules for keeping the accounts of the revenues of the Customs, and for appropriation thereof.—Responsibility for money, &c.* The Commissioners of the Treasury may from time to time establish such rules and regulations as they may think necessary for keeping the accounts of the Commissioners of Customs with the Governor and Company of the Bank of England, and of the Governor and Company of the Bank of England in relation thereto, and also for payment and appropriation of the money arising from the duties of Customs, and so brought to account for her Majesty's service, and from time to time alter or revoke such rules and regulations, and make others in lieu thereof; and the rules and regulations now in force shall remain and continue to be acted upon until the same shall be so altered or revoked, or others established by the said Commissioners of the Treasury in lieu thereof; and the said Commissioners of Customs, observing the rules and regulations so proscribed, shall not be answerable for any money, bills, notes, or drafts which shall have been so paid into the Bank of England; and the Governor and Company of the Bank of England shall be answerable for all the money, bills, notes, and drafts which shall be actually received by them on account of the said Commissioners of Customs.

23. *Bank to keep an account to be returned to the Customs, for inspection by the Accountant and Comptroller General.—Any*

default to be reported to the Commissioners of Customs.] The Governor and Company of the Bank of England, or some person duly authorized in that behalf, shall daily, upon receiving any money, bills, notes, and drafts from or on account of the said Commissioners of Customs, make an entry of the money, bills, notes, and drafts so received in a book to be provided by the Governor and Company of the Bank of England, which book shall be forthwith re-delivered to the persons making the payments for the Customs, for which money, bills, notes, and drafts the entry in the book hereinbefore mentioned shall be a sufficient discharge; and such book shall be inspected daily after its return by the Accountant and Comptroller General of the Customs, or his clerk (such clerk being first duly authorized by him, and for whose conduct he shall be answerable), who shall satisfy himself that all money, bills, notes, and drafts received by or on account of the said Commissioners have been duly paid into the Bank under the provisions of this Act; and any default which such Accountant and Comptroller General or his clerk may discover in that behalf shall be immediately reported by him to the said Commissioners of Customs.

24. *Bank of England not to dispose of money, &c., except for a specified purpose.*] The Governor and Company of the Bank of England shall not pay or transfer, apply, or dispose of any part of the money, notes, bills of exchange, or drafts which may be paid in and placed to the account of the said Commissioners of Customs from such account, except in accordance with the rules and regulations for the time being of the Commissioners of the Treasury, unless any such notes, bills of exchange, or drafts shall be required by the Solicitor of Customs for the purpose of taking out an extent for the security of the money for which the same shall have been given, in which case such notes, bills of exchange, or drafts, or any of them, shall be delivered to such solicitor or his clerk, on the order of the Commissioners of Customs for that purpose, and such delivery shall be entered in the book herein directed to be provided.

25. *In London, debenture, &c., to be paid out of Commissioners' account.*—At any other port, out of moneys in collector's hands. —*Limitation of time for return of duties overpaid extended to six years.*] Every sum of money which shall be due in the port of London upon any debenture, certificate, or other instrument for the payment of any money out of the duties of Customs, shall be paid out of any money so paid into the Bank of England on account of the said Commissioners of Customs, in accordance with the rules and regulations for the time being in respect thereof, and every such payment shall be allowed by the Comptroller and Auditor General of Public Accounts in the settling or auditing of the accounts of the said Commissioners of Customs; and when any such payment shall become due at any other port in the United Kingdom, the same may be paid by the collector at such port out of any of the money in his hands arising from the duties of the Customs, under the directions of the said Commissioners of Customs; and the Commissioners of Customs are hereby authorized to return any money which shall have been overpaid as duties of Customs, at any time within six years after such overpayment, on its being proved to their satisfaction that the same was overpaid in error; but no such return shall be allowed unless the claim for the same shall have been made and established within such period of six years.

26. *Commissioners of Customs may close accounts of collectors.*] The Commissioners of Customs shall and may finally settle and close the accounts of any collectors or receivers of any part of the revenue of the Customs or other duties under their management, notwithstanding any erroneous appropriation of duties of Customs received by such collectors or receivers; and the said Commissioners are hereby empowered to correct any such appropriation, in order to prevent the accounts of any such collectors or receivers from being kept open; and all such corrections shall be allowed by the Comptroller and Auditor General of Public Accounts in passing the general accounts of Customs.

27. *Customs duties, &c., payable to Exchequer account of Bank of England, to be received under such regulations as the Treasury shall prescribe.*] All Customs duties and other public moneys payable to the Exchequer account at the Bank of England shall be received to the credit of such account by the Governor and Company of the said Bank, under such regulations and directions as the Commissioners of her Majesty's Treasury shall from time to time prescribe; and the specifications or statements of particulars required by an Act passed

in the fourth and fifth years of the reign of his late Majesty King William the Fourth, chapter fifteen, intituled "An Act to regulate the office of the receipt of his Majesty's Exchequer at Westminster," to be delivered to the cashier or other officer of the Bank of England by the person paying in any such money, shall be required only in such cases, and shall be signed and issued by such person, as the said Commissioners shall from time direct; and the acquittances for all payments made to the account of the Exchequer at the Bank of England shall be made out in such form and under such regulations as shall be prescribed by the said Commissioners; and such acquittances shall have in all respects the same force and validity in law as the acquittances heretofore given by the Comptroller of the Exchequer by virtue of the ninth section of the said recited Act of the fourth and fifth years of the reign of King William the Fourth; and the several orders, rules, and regulations which may be issued under the authority of this Act by the said Commissioners of her Majesty's Treasury, as relating to such specifications and acquittances as aforesaid, shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, and regulations, if Parliament shall be sitting, or if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

28. *Forgery declared felony.*] If any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting the name or handwriting of any Commissioner of Customs, or of any Accountant and Comptroller General of the Customs, or of any person acting for them respectively, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the said Commissioners of Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft made by such Accountant and Comptroller General or person as aforesaid, or shall utter or publish the same knowing it to be forged or counterfeited, with intent to defraud any person whomsoever, every such person or persons so offending, being thereof convicted, shall be declared and adjudged to be guilty of felony.

29. *Certain moneys, &c., deemed within meaning of 24 & 25 Vict. c. 96.*] Any moneys, chattels, or other valuable securities which shall or may be received by any officer, clerk, or other person in the service of the Customs, either as duties of Customs, or under or by virtue of any statute, or by the order or direction of the Commissioners of Customs, or in virtue of his office or employment, or otherwise, for the use and service of her Majesty or of any public department, shall be deemed to be moneys, chattels, or valuable securities for the public service, and shall be considered as such within the meaning of the Act of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six, and in any information, indictment, or other instrument in relation thereto, the same may be laid as the property of her Majesty.

*As to disputes between the importers and officers of Customs respecting the duties of Customs.*

30. *In case of dispute, importer to deposit the duty, &c., demanded.*—On payment of such deposit, &c., importer to have delivery.] If any dispute shall arise as to the proper rate of duty payable on any goods admissible for home consumption, the importer or consignee, or his agent, shall deposit in the hands of the collector of the Customs at the port of importation the duty demanded by such collector, which shall be deemed and taken to be the proper duty payable, unless an action or suit shall be commenced by the importer within three months after such deposit in one of her Majesty's courts of law at Westminster, Dublin, or Edinburgh against such collector, to ascertain whether any and what duty is payable on such goods; and, on payment of such deposit, and on the passing of a proper entry of such goods by the importer, consignee, or agent, such collector shall cause delivery thereof.

31. *Deposits to be carried to Consolidated Fund.*—If no action brought, deposit to be retained as duties.—If action determined against the revenue, importer indemnified.] All such deposits shall be paid by the collector to the general account of the Commissioners of Customs, to be carried by their authority to the Consolidated Fund of the United King-

dom of Great Britain and Ireland; and in case no such action or suit shall be brought, such deposit shall be applied to the use of her Majesty, in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such action or suit, if it shall be determined that the duty so deposited was not the proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer, with interest thereon after the rate of five pounds per centum per annum for the period during which the sum so paid or returned shall have been deposited; and shall be accepted by such importer in satisfaction of all claims in respect of the importation of such goods and the duty payable thereon, and of all or any damages and expenses incident thereto.

*As to complaints, disputes, and inquiries.*

32. *Disputes and inquiries in London.*] If in the port of London any dispute shall arise between any merchants or other persons and any officer of Customs as to the seizure or detention of any ship or goods, or as to any apparently accidental omission, inadvertency, or non-compliance with the laws and regulations relating to the Customs, the commissioners may determine such dispute as they may deem just, and if they find that penalty or forfeiture has been incurred they may mitigate or remit the same.

33. *Appeal to open court.—Commissioner to conduct public inquiry.—Power to keep order.*] In case any merchant or other person who shall feel himself aggrieved by the determination of the Commissioners of Customs, or have any complaint against any officer of Customs as to anything done or omitted by him in or about the execution of his duty, the party so aggrieved or complaining shall be desirous of stating his case personally to one of the Commissioners of Customs, he may do so on application to the Board during the official hours of attendance at the Custom House, or if he prefer it, may on application in writing to the Commissioners of Customs, stating therein his grievance or complaint, have the same inquired into by one of the said commissioners, who shall hear the matter in the presence of the parties, and of any persons interested or desirous of attending; and such commissioner shall take any evidence on oath which may be tendered on such inquiry, reducing the same into writing in a narrative form, and shall lay the same, with his opinion thereon, before the Commissioners of Customs for their consideration; and such commissioner shall have the same power and authority for enforcing order during such inquiry as is vested in justices of the peace in petty sessions.

34. *Commissioners to prosecute or decide.—Award may be enforced.*] The Commissioners of Customs, upon such evidence and opinion, shall, by order under the hands of any two of them, either decide the case, or direct a prosecution if they see fit; and such decision, in case any penalty or forfeiture shall be adjudged thereby, shall have the same force and effect as a legal conviction for penalties by a justice of the peace; and a copy of such order shall be served upon the person adjudged to pay such penalty or forfeiture, either personally or by post, or by leaving the same at his last known place of abode or business, and in case of non-payment thereof within one week after such service, unless he shall have given notice in writing to the Commissioners of Customs or their solicitor of his refusal to abide by such order, and upon the production of such order to any justice of the peace he shall enforce the same in such manner as justices are empowered by law to enforce penalties lawfully imposed by them; but if such person shall give such notice in writing to the Commissioners of Customs or their solicitor, they may direct such proceedings thereon as they may see fit, or the party against whom such order shall have been made shall have the same remedy by action at law as if no such order had been made.

35. *Disputes and inquiries at outports.*] In case of any such dispute at any of the outports, the like inquiry shall be held by any collector or other person deputed for that purpose by the Commissioners of Customs, in the same manner in all respects, and with the like authority for maintaining order, as hereinbefore provided with reference to inquiries in the port of London.

36. *Inquiries may be conducted by commissioners, &c.—Oath may be administered.—Perjury.*] Whenever the Commissioners of Customs shall direct any inquiry as to any matter under their management, or as to the conduct of any person

employed therein, such inquiries may be held by the commissioners for the time being, or by any one or more of them, or by any person deputed by them either specially for holding any particular inquiry or generally for holding such inquiries; and if on any such inquiry the person holding the same shall require the evidence of any witness on oath, he is hereby authorized and empowered to administer such oath; and any witness so sworn who shall give false evidence on such inquiry shall be guilty of perjury, and, on conviction, be liable to the pains and penalties thereof.

37. *Power to summon witnesses.—Penalty.*] Upon any such inquiry it shall be lawful for the Commissioners of Customs, or any one of them, or other person so deputed to hold the same, to summon from any part of the United Kingdom any person required as a witness on such inquiry to attend on the hearing thereof, then and there to give evidence upon oath touching the matter of such inquiry, or otherwise in relation thereto; and every person so summoned, having the reasonable expenses of attendance, if required, tendered to him at the time of service of such summons, who shall neglect to appear in pursuance thereof, or who, having so appeared, shall refuse to be sworn, affirm, give evidence, or answer to the best of his knowledge any question put to him, shall forfeit the sum of five pounds, and in default of payment any justice shall, on production to him of a certificate under the hand of the commissioner or other person holding such inquiry, that such penalty has been incurred by the party named in such certificate, commit the offender to any prison for a period not exceeding two months.

38. *Regulations for conduct of inquiries.*] The Commissioners of Customs shall from time to time make such rules and orders for the conduct of such inquiries as they may deem expedient.

**IMPORTATION AND WAREHOUSING.**

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINATION, LANDING, AND WAREHOUSING OF GOODS.

39. *Importation and prohibition.*] It shall be lawful to import into the United Kingdom any goods which are not by this or any law in force at the time of importation thereof prohibited to be so imported, and to warehouse under the laws in force for the warehousing of goods, except as hereinafter provided, in warehouses duly approved for the warehousing of goods, without payment of duty on the first entry thereof, any goods subject to duties of Customs the importation and warehousing whereof is not prohibited by any law in force at the time of such importation: Provided always, that the duties on such goods as the Commissioners of the Treasury may from time to time enumerate shall be paid on the first importation thereof, and such goods shall not be warehoused either for home consumption or exportation.

40. *Time of importation of goods and time of arrival of ships defined.*] If upon the first levying or repealing of any duty, or the first permitting or prohibiting any importation, or at any other time, or for any of the purposes of the Customs Acts, it shall become necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the ship importing such goods actually came within the limits of the port at which such ship shall in due course be reported and such goods be discharged; and if any question shall arise upon the arrival of any ship in respect of any charge or allowance for such ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made.

41. *Importation direct.*] No goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

42. *Prohibitions and restrictions.*] The goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

## A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

*Goods prohibited to be imported.*

*Table of prohibitions and restrictions.]* Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or re-printed in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

Coin, viz., false money or counterfeit sterling.

Coin, silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Extracts, essences, or other concentrations of malt (except sugar, or extract of malt for medicinal purposes only, and fermented liquors specified in the Customs Tariff made from malt), coffee, chicory, tea, or tobacco, or any admixture of the same, except in transit, or to be warehoused for exportation only.

Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.

Snuff work.

Tobacco stalks, whether manufactured or not.

Tobacco stalk flour.

Articles of foreign manufacture, and any packages of such articles bearing any names, brand, or mark being or purporting to be the name, brand, or mark of manufacturers resident in the United Kingdom, or any name, brand, or mark which states or implies that such articles were manufactured at any place in the United Kingdom.

Any name, brand, or mark which states or implies that any such articles were manufactured at a town or place having the same name as a place in the United Kingdom, shall, unless accompanied by the name of the country in which such place is situate, be deemed for the purposes of this section to state or imply that such articles were manufactured at a place in the United Kingdom.

Clocks and watches, or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom.

Infected cattle, sheep, or other animals, or the carcases thereof, and hides, skins, horns, hoofs, or any other part of cattle, or other animals which the Privy Council may, by order, prohibit in order to prevent the dissemination of any contagious distemper.

Spirits (not being cordials, or perfumed or medicinal spirits), unless in ships of forty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, and duly reported, or unless in glass or stone bottles, properly packed in cases, and forming part of the cargo of the importing ship and duly reported.

Tobacco, cigars, cigarillos or cigarettes, and snuff, unless into ports approved by the Commissioners of Customs for the importation and warehousing thereof, nor unless in ships of not less than one hundred and twenty tons burden, nor unless in whole and complete packages each containing not less than eighty pounds net weight of tobacco or cigars or snuff, or eighty pounds net weight of cigarillos or cigarettes including the papers forming the covering of each cigarillo or cigarette.

Tobacco, sweetened (whether manufactured or unmanufactured), except as otherwise specially provided for by this or any other Act relating to the Customs.

Wine, except into such ports as may be approved for the importation thereof by the Commissioners of Customs.

43. *Arms, &c., may be prohibited.]* The importation of arms, ammunition, gunpowder, or any other goods may be prohibited by proclamation or Order in Council.

44. *Lists of prohibited books to be exposed at Custom Houses.]* The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said commissioners that such

copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of Customs or a justice of the peace, that the contents of such notice are true.

45. *Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers.—Nothing to prevent persons aggrieved from proceeding at law, &c.]* If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge, at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such book shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post or to left at his last known place of abode or business, any such judge may proceed *ex parte* to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice, or obtaining such order, or making such false declaration.

46. *Vessels arriving to come quickly to place of unloading, and bring to at the stations for boarding officers.—Accommodation of officers on board.—Penalty £20.]* If any ship arriving at any port or place in the United Kingdom or the Channel Islands shall not come as quickly up to the proper place of mooring or unloading as the nature of the port or place will admit, without touching at any other place, and in proceeding to such proper place shall not bring to at the stations appointed by the Commissioners of Customs for the boarding of ships, or if after arrival at such place such ship shall remove therefrom, except directly to some other proper place of mooring or unloading, and with the knowledge of the proper officer of the Customs, or if the master of any ship on board of which any officer is stationed neglect or refuse to provide every such officer sufficient room and accommodation under the deck for his bed or hammock, the master of such ship shall forfeit the sum of twenty pounds.

47. *Officers to board ships.—To have free access to all parts.—May seal or secure goods and open locks.—Goods concealed, forfeited.—If seal, &c., broken, master to forfeit £100.—Officers may put seals upon stores inwards.—If such seals be broken, or the stores secretly conveyed away, master to forfeit £20.]* The proper officers of the Customs may board any ship arriving at any port in the United Kingdom or the Channel Islands, and stay on board until all the goods laden therein shall be duly delivered therefrom, or until her departure, and shall have free access to every part thereof, with power to fasten down hatchways or entrances to the hold, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, any examining or superior officer may open any such place, box, or chest in the best manner in his power: and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, or on any place or package in which the same may be, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred

pounds; and if the proper officer of the Customs shall place any lock, mark, or seal upon any stores or upon any place or package in which the same may be on board any ship or vessel arriving in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while the ship remains in the port at which she shall have so arrived or at any other port in the United Kingdom to which she may then be about to proceed, the master of such ship shall forfeit the sum of twenty pounds.

43. *Time and place of landing goods inwards.*—Goods not shipped contrary to regulations, forfeited.—Goods not forthwith removed and landed, forfeited.] No goods, except diamonds, bullion, lobsters, and fresh-fish, of British taking, and imported in British ships, which may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore, on Sundays or holidays, except by special permission of the Commissioners of Customs, nor shall they be so unshipped, landed, or put on shore on any other days, except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March until the first day of November, and between the hours of nine o'clock in the morning and four o'clock in the afternoon, from the first day of November until the first day of March, or during such other hours as may be appointed by the Commissioners of Customs; nor shall any goods be unshipped or landed unless in the presence or with the authority of the proper officer of the Customs; nor shall any goods entered to be warehoused or liable to any duties of Customs or Inland Revenue be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods; nor shall any such goods, after having been unshipped or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of the Customs; and if any such goods shall be unshipped, landed, transhipped, or removed contrary hereto, the same shall be forfeited; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the wharf, quay, or other place at which the same are intended to be landed; and if such goods are not so removed and landed the same shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

49. *Account of bullion or coin to be delivered to the officers of Customs.*] If the importer, owner, or consignee of any bullion or coin, not being small parcels forming part of the baggage of passengers imported into Great Britain or Ireland, shall not, within ten days after the landing thereof, deliver to the collector or other proper officer of Customs a full and true account thereof, including its weight and value, he shall forfeit a sum of twenty pounds.

*As to report of cargo.*

50. *Master to report within 24 hours after arrival according to form No. 1 in schedule B.*] The master of every ship, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port in the United Kingdom, make due report of such ship to the collector or other proper officer in the form No. 1 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such report, except where otherwise specially allowed or provided for by their order or at ports where goods may be landed into transit sheds, shall be made before bulk be broken.

51. *On failure, master to forfeit £100.*—Goods not reported may be detained.] If such master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of one hundred pounds; and all goods not duly reported may be detained by any officer of Customs until so reported or the omission explained to the satisfaction of the Commissioners of Customs, and may in the meantime be removed to the Queen's warehouse.

52. *Commissioned ships, British or foreign, having goods on board, persons in charge to deliver an account or forfeit £100.*—Such ships liable to search.] The captain or other officer having the charge of any ship (having commission from her Majesty or from any foreign State), having on board any goods laden in parts beyond the seas, shall, on arrival at

any port in the United Kingdom, and before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or other proper officer such questions concerning such goods as shall be required of him, and on failure thereof such captain or other officer shall forfeit the sum of one hundred pounds; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect to ships of war belonging to her Majesty as shall from time to time be directed in that respect by the Commissioners of her Majesty's Treasury.

53. *Master to answer questions.*—Bulk not to be broken or stowage altered.—Penalty £100.] The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the collector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to facilitate the unloading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of one hundred pounds.

54. *Packages reported "Contents unknown" may be opened and examined.*—Prohibited goods forfeited.] If the contents of any package intended for exportation in the same ship shall be reported by the master as being unknown to him, the officers of the Customs may open and examine such package on board such ship, or bring the same to the Queen's warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported such goods shall be forfeited, unless the Commissioners of Customs shall permit them to be exported.

*As to the entry of dutiable goods for home use.*

55. *Particulars of entry according to form No. 2 in schedule B.*] The importer of any goods liable to duties of Customs and intended to be delivered for home use on the landing thereof from the importing ship, or his agent, shall before unshipment thereof make perfect entry of such goods by delivering to the collector or other proper officer an entry thereof in the form No. 2 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

56. *Payment of duties.*—Warrant for delivery.] The importer of any goods or his agent shall immediately upon the entry thereof by him for home use pay down any duties which may be payable thereon to the collector or other proper officer appointed to receive the same; and the entry, when signed by such collector or officer, shall be the warrant for the landing and delivery of such goods, and shall be transmitted to the proper officer of Customs for that purpose.

*As to the entry of goods intended to be warehoused without payment of duty on first entry thereof.*

57. *Particulars of entry according to form No. 3 in schedule B.*—Warrant for warehousing.—Entry for home consumption.] The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the collector or other officer authorized to receive the same a bill of entry in the form No. 3 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such bill of entry, when signed by such collector or officer, shall be transmitted to the proper officer of Customs, and be the warrant for the due warehousing of such goods; and upon the

entry of any warehoused goods for home consumption form No. 2 may be used, with the addition of the date of warehousing.

*As to the entry of goods landed for examination by bill of sight and perfecting entry thereof.*

58. *Entry by bill of sight when goods not known.*—Form No. 4.] The importer of any goods, or his agent, if unable for want of full information to make a perfect entry of such goods, on making and subscribing a declaration to that effect before the collector or other proper officer, may make an entry by bill of sight for the packages or parcels of such goods in the form No. 4 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

59. *Warrant for landing.*—Before delivery, importer to make perfect entry.] Such entry being delivered to the collector or other proper officer, and signed by him, shall be the warrant for provisionally landing such goods to be examined by such importer in presence of the proper officers; and the importer shall, within three days or such further time as the Commissioners of Customs shall see fit after the landing thereof and before the same shall be delivered, make full and perfect entry thereof by indorsing upon such bill of sight such particulars of such goods as are herein required on making perfect entry of goods, whether for payment of duty, or for warehousing, or for delivery free of duty, as the case may be, and to such indorsement he shall affix the date thereof, together with his signature and place of abode; and such indorsement, when countersigned by the collector or other proper officer, shall be taken as the perfect entry for such goods.

60. *Goods entered by bill of sight not to be delivered unless duty is paid or deposited.*] Where an entry for the landing and examination of goods for delivery on payment of duty shall be made by bill of sight, such goods shall not be delivered until perfect entry thereof shall have been made and the duties due thereon paid, unless the importer or his agent shall have deposited with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable thereon; and if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry is made and the duties paid or deposited for the whole of the goods contained in such package.

61. *Goods to be taken to Queen's warehouse in default of perfect entry and sold in default of such entry within one month after landing.*—Entry not valid unless in manner required by law.] If full and perfect entry of any goods landed by bill of sight as aforesaid be not made within three days after the landing thereof, or within such further time as the Commissioners of Customs may see fit, such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within one month after such landing make perfect entry of such goods, and pay the duties thereon, or on such parts thereof as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation if they be such as cannot be entered for home use or shall not be worth the duties), and the overplus, if any, after payment of such duties and charges, or the charges if sold for exportation, shall be paid to the importer or proprietor thereof: Provided always, that if any entry at the time made as and for a full and perfect entry for goods provisionally landed by bill of sight or deposited in the Queen's warehouse as aforesaid shall not be made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry.

62. *Goods entered for warehouse may upon further entry be delivered for home use or exportation.*] If after any goods shall have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer shall further duly enter the same or any part thereof for home use or exportation, the same may be delivered and taken for home use or exportation, as the case may be.

*As to the entry of British goods brought back.*

63. *British goods returned to be deemed foreign.*] All British goods brought back into the United Kingdom, being of such a kind or description as, if foreign, would be liable to any duty of Customs on importation, shall be deemed to be foreign, and

liable to the same duties, rules, regulations, and restrictions as foreign goods of the like kind or description, unless the same shall be brought back within five years from the time of the exportation thereof, and it shall be proved to the satisfaction of the Commissioners of Customs that they are British goods returned, in which case the same may be entered by bill of store, containing such particulars and in such manner and form as the said commissioners may direct, and be delivered free of duty: Provided always, that all goods brought into the United Kingdom for which any drawback of Excise or Customs might have been received on exportation, shall be deemed and treated as foreign, unless admitted to entry by special permission of the Commissioners of Customs, and on repayment of such drawback; and all foreign goods on reimportation into the United Kingdom, whether they shall have paid duty on their first importation or not, shall be liable to the same duties, rules, regulations, and restrictions as if then imported for the first time; provided also, that if any British goods brought into the United Kingdom bear the name, brand, or mark of any British manufacturer, the same shall, either by bill of store or by and with the consent in writing of the proprietor of such name, brand, or mark, or his legal representative, or on proof to the satisfaction of the Commissioners of Customs, by declaration of the importer, that such goods are of British manufacture, be admitted to entry as British.

*As to the entry of goods free of duty.*

64. *Particulars of entry according to form No. 5 in schedule B.*—Warrant for delivery.—Account of free goods.] The importer of any goods not subject to duties of Customs, or his agent, shall deliver to the collector or other proper officer an entry of such goods in the form No. 5 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such entry, when signed by the collector or other proper officer, shall be transmitted to the examining officer, and be his warrant for the delivery of the goods mentioned therein, and if such entry shall be incorrect in any particular, the importer or his agent shall within fourteen days after the landing of the goods deliver to the proper officer of Customs a full and accurate account thereof.

*As to entries of goods in any of the foregoing cases.*

65. *Bill of entry to be in duplicate.*] Upon the entry of any goods, the importer, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of the entry thereof, as the case may require, in which duplicates all sums and numbers may be expressed in figures; and the number of duplicates shall be such as the collector or other proper officer may require; and the importer or his agent shall produce to such officer, if required by him, the invoice, bills of lading, and other documents relating to the goods.

66. *Goods concealed in packages or delivered without entry, forfeited.*—Passengers' baggage.] If any goods or other things shall be found concealed in any way or packed in any package or parcel to deceive the officers, such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered, the same shall be forfeited: Provided always, that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such regulations as the Commissioners of Customs may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or after landing, the same shall be forfeited, together with everything packed therewith.

67. *Penalty on fraudulent import entries and concealments.*] If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as of one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package, and the goods therein, shall be forfeited, and such person shall forfeit for every such offence a penalty of one hundred pounds, or treble the value of the goods contained in such package, at the election of the Commissioners of Customs.

68. *Surplus stores not excessive may be entered for private use or warehousing.* The proper officer may permit surplus stores, not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules, and regulations as the like sort of goods would be subject to on importation as merchandise, or permit any surplus stores to be entered and warehoused for future use as ship's stores, although the same could not be legally imported by way of merchandise.

69. *Agent to produce authority if required.* Whenever any person shall make application to any officer of the Customs to transact any business on behalf of any other person, such officer may require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority refuse to transact such business.

70. *Officers may take samples.* The officers of Customs may on the entry of any goods, or at any time afterwards, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the Commissioners of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Commissioners of Customs may direct.

71. *No entry, &c., valid unless in accordance with Acts.* No entry or warrant for the landing of any goods shall be deemed valid unless made in accordance with the provisions of the Customs Act.

72. *Importer or agent failing to comply with regulations to forfeit £20.* Every importer, agent, or other person entering any goods who shall fail to comply with the foregoing regulations, so far as they are respectively applicable to the goods entered by him, shall forfeit a sum not exceeding twenty pounds, and such goods shall be liable to forfeiture.

*As to the time within which goods shall be entered and landed after the arrival of the importing ship.*

73. *Goods not entered within fourteen days may be conveyed to Queen's warehouse.*—Small packages or quantities of goods may be deposited in Queen's warehouse. [If duties and charges on such goods be not paid within three months, the goods may be sold.—Lien for freight payable before delivery of goods from Queen's warehouse.] If the importer of any goods shall not, within fourteen days (exclusive of Sundays and holidays) after the arrival of the ship importing the same, make perfect entry or entry by bill of sight of such goods, or if, having made such entry, he shall not land such goods within such fourteen days or within such further period as the Commissioners of Customs shall direct, the officers of the Customs may convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged within such fourteen days, with the exception only of a small quantity of goods, the officers of the Customs may forthwith deposit such remaining goods in the Queen's warehouse; and also at any time after the arrival of such ship may deposit any small packages or parcels of goods therefrom in the Queen's warehouse, there to remain for due entry during the remainder of such fourteen days, except as hereinafter mentioned; and if any goods so deposited in the Queen's warehouse being of a perishable nature shall not be cleared forthwith, or not being of a perishable nature shall not be cleared within three months after such deposit, or within such further period as the commissioners may direct, and all charges of removal, freight, and warehouse rent be not paid, such goods may be sold, and the produce thereof paid in discharge of duties, freight, and charges, and the overplus, if any, to the proprietor of the goods on his application for the same; and in case such goods cannot be sold for a sufficient sum to pay the duties and charges, if ordered for sale for home consumption, or the charges if for exportation, the same may, by direction of the Commissioners of Customs, be destroyed; and any officer of Customs having the custody of any goods which shall have come to his hands under the Customs Acts, may refuse delivery thereof from the Queen's warehouse or other place of deposit until proof be given to his satisfaction that the freight due upon such goods has been paid: Provided that if the importing ship and goods be liable to the performance of quarantine the time for entry and landing of such goods shall be computed from the time at which such ship and goods shall have been released from quarantine.

74. *Combustibles not to be deposited in Queen's warehouse.* No goods of a combustible or inflammable nature shall be brought into or deposited in the Queen's warehouse unless

with the sanction of the Commissioners of Customs; and if any such goods shall be landed by the officers of Customs under the provisions of the Customs Acts, the same may be deposited in any other available place that such officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's warehouse, and be liable to be dealt with, at the expiration of fourteen days, in the same manner as goods of a perishable nature actually deposited in the Queen's warehouse, unless duly cleared or warehoused in some approved warehouse in the meantime; and such goods shall be chargeable with such expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the commissioners shall see fit, and neither the said commissioners nor their officers shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

75. *If goods remain on board importing ship beyond fourteen days, such ship may be detained for expenses.* Whenever any goods shall remain on board any importing ship beyond the period of fourteen days after the arrival of such ship, or beyond such further period as the Commissioners of Customs may allow, such ship shall be detained by the proper officer of Customs until all expenses of watching or guarding such goods beyond such fourteen days, or such further time, if any, allowed as aforesaid, not exceeding five shillings per diem, and of removing the goods, or any of them, to the Queen's warehouse, in case the officers shall so remove them, be paid, and the like charge per diem shall be made in respect of any derelict or other ship coming, driven, or brought into the United Kingdom under legal process, by stress of weather, or for safety, when it is necessary to station any officer of Customs in charge, either on board thereof or otherwise, for the protection of the revenue, so long as the officer shall so remain.

*As to the unshipping, landing, examination, warehousing, and custody of goods.*

76. *Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.* The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, re-packing, bulking, sorting, lotting, marking, and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

77. *Proper officer of Customs to take account of goods for warehouse.*—Contents of packages to be marked thereon, and entered in landing book. Upon the entry and landing of any goods to be warehoused, or within such period as the Commissioners of Customs shall direct with respect to the same or any of them, the proper officer of Customs shall take a particular account of such goods at the quay or wharf at which they shall be so landed, or in the warehouse of the port of arrival, if they be goods of which the account is permitted to be taken in the warehouse, or in the warehouse of any other port to which they may be consigned and allowed to be removed by the authority of the Lords Commissioners of the Treasury or the Commissioners of Customs, and shall cause to be marked on each package of which such account shall be taken the contents thereof, and shall enter in a book prepared for that purpose, containing the name of the import ship and of the person in whose name they are entered, the marks, numbers, and contents of each such package, the description of the goods, and the warehouse or place in the warehouse in which the same shall be deposited, and when the same shall have been so deposited with the authority of such officer he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods duly warehoused; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be forfeited.

78. *Goods to be entered and duties ascertained and paid according to landing account.* The account of the goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered and the full duties due

thereon be paid according to the quantity taken in such account, without any abatement for any deficiency, except as hereinafter provided.

79. *Warehoused goods to be deposited in original packages or those of which account is taken.—Goods altered or removed without sanction of officers, forfeited.* All goods warehoused shall be deposited in the packages in which the same shall have been imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed, or re-packed in the warehouse after the landing thereof, in which case they shall be deposited in the packages in which the same shall be when the account thereof is taken by the proper officer; and if such goods are not so deposited, or if any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks and numbers of such packages, or if the same shall be removed from the room in the warehouse in which the same are deposited, without the presence and sanction of the proper officers, except for delivery under the proper warrant, order, or authority for that purpose, such goods and packages shall be forfeited.

80. *Commissioners to direct what goods may be bulked, sorted, packed, &c.* The Commissioners of Customs may direct what goods may be skipped on the quay, or be bulked, sorted, lotted, packed, or re-packed, and determine in respect of what goods the account may be taken in any warehouse approved by them for that purpose, and within what time after the landing thereof, and on such conditions they may deem necessary.

81. *Warehouse keeper neglecting to stow goods properly to forfeit £5.* If the occupier of any warehouse shall neglect to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall for every such neglect forfeit the sum of five pounds.

82. *Warehouse keeper neglecting to produce goods deposited when required to forfeit £5.* If the occupier of any warehouse shall not produce to any officer of Customs on his request any goods deposited in such warehouse which shall not have been duly cleared and delivered therefrom, such occupier shall for every such neglect forfeit the sum of five pounds in respect of every package or parcel not so produced, besides the duties due thereon.

83. *Goods not duly warehoused, or fraudulently concealed or removed, forfeited.* If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be in any way concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

84. *Persons clandestinely opening warehouse, &c., to forfeit £100.* If any person shall clandestinely open any warehouse, or, except in the presence of the proper officer of Customs acting in the execution of his duty, gain access to the goods therein, he shall for every such offence forfeit the sum of one hundred pounds.

85. *Who liable for goods taken out of warehouse without entry.—Taking goods out of warehouse, &c., to be deemed a misdemeanour.—Importer or consignee, if defrauded by officers, to be indemnified.* If any goods shall be taken out of any warehouse without due entry, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person taking out any goods from any warehouse without payment of duty, or who shall aid, assist, to be concerned therein, and every person who shall destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanour, and shall, upon conviction, suffer the punishment by law inflicted in cases of misdemeanour; but if such person shall be an officer of Customs or Excise not acting in the due execution of his duty and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such destruction or embezzlement shall, with the sanction of the Commissioners of the Treasury, be repaid or made good to such importer, consignee, or proprietor by the Commissioners of Customs.

86. *If goods be damaged by fire, &c., the importer not entitled to compensation.* No compensation shall be made by the Commissioners of Customs to any importer, proprietor, or consignee of any goods by reason of any damage oc-

casioned thereto in the warehouse by fire or other inevitable accident.

87. *Commissioners of Customs may remit duties on warehoused goods lost or destroyed.* If any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by unavoidable accident, either on ship board or in removing, landing, or receiving into the warehouse, or in the warehouse, the Commissioners of Customs may remit or return the duties due or paid thereon.

*As to the removal of warehoused goods.*

88. *Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port.—Regulations for removal.* Any goods warehoused at any port in the United Kingdom may be removed by sea or by inland carriage to any other port in which the like kind of goods may be warehoused to be re-warehoused at such other port, and again as often as may be required at any other such port to be there re-warehoused, or, with the permission of proper officers of Customs, from any warehouse in any port to any other warehouse in the same port, under such regulations and with such security as the Commissioners of Customs may direct, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particulars of the goods required to be removed, the name of the port, or of the warehouse if in the same port, to which the same are intended to be removed, and with such other information and in such manner and form as the Commissioners of Customs or the proper officer may direct or require.

89. *Officers at port of removal to transmit account of goods to officers at port of destination.—Remover to give bond in the amount of duty.—Bond may be given either at port of removal or port of destination.—Bond may be discharged.—General removal bond may be given.* On the delivery of any goods for removal, an account, containing the particulars thereof, shall be transmitted by the proper officer of the port of removal to the proper officer of the port or place of destination, and the person requiring the removal thereof shall enter into a bond, with one sufficient surety in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the Commissioners of Customs may direct, such bond to be taken by the collector or other proper officer, either of the port or place of removal or the port or place of destination, as shall best suit the residence or convenience of the parties interested in such removal; and if such bond shall have been given at the intended port or place of destination, a certificate thereof, under the hand of the collector or other proper officer of such port, shall, at the time of the entering of such goods, be produced to the collector or other proper officer of the port of removal; and such bond shall not be discharged unless such goods shall have been produced to the proper officer and duly re-warehoused at the port of destination, or unless the full duties of Customs shall have been paid thereon within forty-eight hours after the arrival thereof, but in no case later than the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the Commissioners of Customs, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid; but any remover may enter into a general bond, with such sureties, in such amount, and under such conditions as the Commissioners of Customs may approve, for the removal from time to time of any goods from one warehouse to another, and for the due arrival and re-warehousing of the same at the place of destination, within such time or times as the said commissioners may direct.

90. *Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.* Upon the arrival of such goods at the port or place of destination, the same shall be entered and warehoused in the same manner, and under and subject to the same laws, rules, and regulations, so far as the same are or can be made applicable, as are required on the entry and warehousing of goods on first importation thereof.

91. *On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.* If upon the arrival of goods so removed as aforesaid at the port of destination the parties shall be desirous forthwith to export the same, or to pay

duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of Customs at such port may permit the same to be entered and delivered for home use upon payment of the duties due thereon, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and shipped for exportation, as if such goods had been actually lodged in such warehouse; and all goods so exported, or for which the duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

92. *Warehoused goods, if not cleared for home use or exportation within five years, must be re-warehoused.—Duties on deficiencies and expense of examination to be paid down.* [All warehoused goods shall be cleared either for home use or exportation at the expiration of five years from the day on which the same were so warehoused, or within such further period and in such cases as the Commissioners of the Treasury shall direct, unless the owner or proprietor of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expense attendant thereon, shall subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof in the same manner as on first importation; provided that if the owner or proprietor shall, with the concurrence of the warehouse keeper, desire to warehouse the same according to the account taken at the landing thereof, without re-examination, such re-examination may be dispensed with, the officers being satisfied that the same are still in the warehouse and that there is no reason to suspect that there is any undue deficiency; but the warehouse keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof.

93. *Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years to be sold.—Proceeds of sale how to be applied.—Goods not worth the duty may be exported or destroyed.* [If any warehoused goods shall not be duly cleared, exported, or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid shall not be paid down at the expiration of five years from the previous entry and warehousing thereof, or within such further period as shall be directed as aforesaid, the same shall, after one month's notice to the warehouse keeper with all convenient speed be sold by public auction, either for home use if worth the duty due thereon, or for exportation, with or without the consent of the warehouse keeper, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner or proprietor of such goods, if known, but if such owner or proprietor cannot be found, such surplus shall be carried to the Crown's account, to abide the claim of such owner or proprietor on his appearing and making good his claim thereto; and if such goods on being so offered for sale shall not be sold, then the same, after such one month's notice as aforesaid, may be destroyed, with or without the concurrence of the owner thereof or the proprietor of the warehouse in which the same were so warehoused, if the Commissioners of Customs shall see fit; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the proprietor of the warehouse.

94. *Tobacco abandoned as not worth the duty to be destroyed.* [Tobacco abandoned by the importer or proprietor as not worth the duty shall be destroyed within such time and in such manner as the Commissioners of Customs may direct, at the cost and charges of such importer or proprietor.

95. *Goods in warehouse may be sorted, re-packed, &c.—To be re-packed in the original or other legal sized packages.—Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off.—Wines may be mixed, and samples taken.—After re-packing, damaged parts may be destroyed.* [With the sanction of the Commissioners of Customs, and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the Commissioners of Customs shall from time to time require and direct, it shall be

lawful in the warehouse to sort, separate, pack, and re-pack any goods, and to make such alterations therein as may be necessary for the preservation, sale, shipment, or disposal thereof, provided that such goods be re-packed in the packages in which they were imported, or in such other packages as the commissioners shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than is required by law on the importation of such goods); and also to draw off British spirits into bottles for home consumption, or wine or spirits into reputed quart or pint bottles, or bottles or flasks of such smaller size as the commissioners of Customs may see fit, for exportation only; and to draw off and mix with any wine spirits, not being British flavoured or compounded spirits, and not exceeding the proportion of ten gallons of spirits to one hundred gallons of wine, provided that if the wine so mixed be thereby raised to a greater degree of strength than forty per cent. of such proof spirit, such wine shall not be admitted for home consumption; but wine in bond may be fortified to a greater degree of strength for exportation only, if it appear to the said Commissioners to be necessary for its preservation; and also to fill up any casks of wine or spirits from any other casks of the same respectively secured in the same warehouse; and also to rack off any wine from the lees, and mix any wines of the same sort, erasing from the cask all import brands, unless the whole of the wine so mixed be of the same brand; and also to take such samples of goods as may be allowed by the Commissioners of Customs, with or without entry, and with or without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity; and after such goods have been so separated and re-packed in proper or approved packages, the Commissioners of Customs may, at the request of the importer or proprietor of such goods, cause or permit any refuse, damage, or surplus goods occasioned by such separation or re-packing, or, at the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

96. *Goods in warehouses may be taken out under certain regulations and with security for duties.* [The Commissioners of Customs may permit any goods to be taken out of the warehouse without payment of duty for such purpose and for such period as to them may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond for the due return thereof or the payment of the duties due thereon, as they may direct or require.

*As to the entry of warehoused goods for home consumption and exportation, and the delivery thereof.*

97. *Entry for exportation or home use.* [No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers, for exportation, or upon due entry and payment of the full duties payable thereon for home use, except goods duly delivered to be shipped as stores, in such quantities as the collector or other proper officer shall allow, and subject to such directions and regulations as the Commissioners of Customs may see fit.

98. *Persons entering warehoused goods for home use to deliver bill of entry and pay down duties.—Duties to be paid according to landing account, except in certain cases.—Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.* [Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof, in like manner and form, containing the same particulars as are hereinbefore required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of the Customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the proper officer on the first entry and landing thereof, except as to the following goods, viz., tobacco, wine, spirits, figs, currants, and raisins, the duties whereon, when cleared from the warehouse for home use, shall be chargeable upon the quantity of such goods, ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the

proper officer of Customs shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

99. *Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.* [No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation unless the officers of Customs have reasonable ground to suppose that such deficiency, or any part thereof, has risen from illegal abstraction.]

AS TO THE EXPORTATION, ENTRY, AND CLEARANCE OF SHIPS  
TO PARTS BEYOND THE SEAS.

100. *Warehoused goods not to be exported in ship of less than forty tons burden.* [No person shall export any warehoused goods, or goods liable to duties of Customs transhipped, or goods entitled to drawback on exportation, nor shall enter any such goods for exportation from the United Kingdom to parts beyond the seas, in any ship of less burden than forty tons.]

101. *Master of vessels outwards to deliver certificate of clearance of last voyage, and to make entry outwards.*—Form No. 6.—Penalty £100.—*Shipment of goods for exportation.* [The master of every ship in which any goods are to be exported from the United Kingdom to parts beyond the seas, or his agent, shall, before any goods be taken on board, except as is hereafter provided, deliver to the collector a certificate from the proper officer of the due clearance inwards or coastwise of such ship of her last voyage, and shall also deliver therewith an entry outwards of such ship, verified by his signature in the form No. 6 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Commissioners of Customs may direct; and if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before she shall have entered outwards at such port (unless a stiffening order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of one hundred pounds; provided that, on the arrival at any port in the United Kingdom of any ship about to deliver her cargo at more than one port in the United Kingdom, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to allow the entry outwards of such ship, and to permit the shipment of goods, other than spirits or tobacco, for exportation in such ship to the foreign destination for which such ship shall be entered outwards, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo being effected to the satisfaction of the collector or other proper officer of the port: Provided also, that on any ship commencing to load goods for exportation to parts beyond the seas not having on board any drawback or other goods liable to duties of Customs or Excise, and about to proceed to any other port in the United Kingdom to complete her loading, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to permit such ship, notwithstanding any provisions to the contrary, to convey goods not entitled to drawback or liable to duties of Customs or Excise from the port at which such ship shall commence loading to any other port or ports in the United Kingdom for delivery there, the complete separation of such goods from the cargo to be exported to be effected to the satisfaction of the collector or other proper officer at the port of shipment.]

102. *Goods not to be shipped except on proper days and places, nor until entry and clearance.*—*Officers may open packages and examine goods.* [No warehoused or drawback goods shall be shipped, put off, or water-borne to be shipped for exportation from any port or place in the United Kingdom on Sundays or public holidays, except by special permission of the Commissioners of Customs, nor from any place not being a legal quay, wharf, or other place duly appointed for such purpose, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of such ship and due entry of such goods, nor before due clearance thereof for shipment; and any such goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for such officers to open and examine all goods shipped or brought for shipment at any place in

the United Kingdom, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the expense of the exporter.]

103. *British and Irish spirits in nine gallon casks.* [If any British or Irish spirits shall be exported from Great Britain or Ireland to parts beyond the seas, or be removed to the Isle of Man, or be brought to Great Britain or Ireland, or to any wharf, quay, or other place, or water-borne for that purpose, in casks containing less than nine gallons each of such spirits, the same shall be liable to forfeiture.]

As to the entry and clearance of goods for exportation.

104. *On entry outwards, bond for due shipping and landing shall be given.*—*General bond for exportation may be given.*—*Notice in each case to be given.*—*Stamp duty on notice equivalent to duty on separate bond.* [Before any warehoused goods, British-wrought plate, or goods entitled to any drawback of Customs on exportation, or exportable only under particular rules, regulations, or restrictions, shall be permitted to be exported, the exporter or his agent shall deliver to the collector or other proper officer a bond note or account of such goods, and give such security by bond as the Commissioners of Customs shall require, that such goods shall be duly shipped and exported, and shall be landed at the place for which they are entered outwards, within such time as the commissioners may deem reasonable, or be otherwise accounted for to their satisfaction; and such bond note, when certified by the proper officer, shall be the export entry for the goods enumerated therein, provided that any person desirous of exporting any such goods may, at his option, but subject to such regulations as the Commissioners of Customs may direct, give a general bond, with such security, in such amount, and under such conditions as the said commissioners may require, in lieu of separate bond for each exportation, first delivering in each case to the proper officer a notice, in such form as the said commissioners shall prescribe, containing an account of the particular goods to be exported by him under such general bond in any particular ship; but no such notice, if it relate to goods other than spirits, shall be received and acted upon unless there be attached thereto an adhesive stamp equal in amount or value to the duty which would be payable under any Act relating to stamp duties upon a separate bond, if given for the exportation of the goods contained in such notice.]

105. *Exporter to deliver shipping bill according to form N. 7 in schedule B.* [Before any goods upon which any drawback of Customs on exportation shall be claimed shall be shipped or water-borne to be shipped for exportation, the exporter or his agent shall deliver to the proper officer of Customs a shipping bill, with claim and declaration at the foot thereof, in the form No. 7 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, in such other form and manner as the Commissioners of Customs may direct.]

106. *Drawback goods not agreeing with shipping bill forfeited.*—*Penalty for claiming more drawback than is due.* [If any goods upon which any drawback shall be claimed or allowed be shipped or brought to any quay, wharf, or other place to be shipped for exportation, shall, on examination by the proper officers of Customs, be found not to agree with the entry in the shipping bill or other proper document for allowance of drawback on shipment, or shall be found to be of less value for home use than the amount of the drawback claimed, all such goods, and the package containing the same, with all other the contents therein, shall be forfeited; and the person entering such goods, and claiming the drawback thereon, shall in any and every such case forfeit one hundred pounds, or treble the amount of the drawback claimed, at the election of the Commissioners of Customs.]

107. *Inland Revenue drawback.*—*Notice to officer.*—*Shipment to be certified.* [No drawback of Excise shall be allowed upon any goods cleared for exportation, unless the person intending to claim such drawback shall have given due notice to the officer of Excise, and shall have produced to the proper officer of Customs, at the time of clearing such goods, a proper document under the hand of the officer of Excise, containing the description of such goods; and if such goods be found to correspond with the particulars of the goods contained in such document, and be duly shipped and exported, the proper officer of Customs shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of Excise.]

108. *No drawback on tobacco not properly manufactured, and penalty for fraudulent attempts to obtain drawbacks.* [No drawback shall be allowed on any tobacco not wholly manufactured from tobacco on which duty on importation shall have been paid, nor on any tobacco mixed with dirt, rubbish, or other substances, except as provided by the Manufactured Tobacco Act, 1863; and every person who shall enter or ship, or cause to be entered or shipped, any tobacco contrary hereto, shall, over and above all other penalties which he may thereby incur, forfeit treble the amount of the drawback sought to be obtained, or two hundred pounds, at the election of the Commissioners of Customs, and all such tobacco and other substances shall be forfeited.]

109. *Provisions as to exportation applicable to transhipment and drawback goods.* [The provisions of the Customs Acts with reference to the exportation of warehoused goods, so far as they are applicable, shall be deemed to apply to and include goods liable to duties of Customs transhipped, and goods exported on drawback.]

110. *Specifications for free goods six days after clearance.*—Forms Nos. 8 and 9.—*Except as to salmon.* [The exporter of goods for which no bond is required shall (except as herein after provided), within six days after the final clearance outwards of the exporting ship, or within such other period as the Commissioners of Customs may direct, either by himself or his agent, deliver to the proper officer of Customs at the port of shipment a specification in the form No. 8 or No. 9 in schedule B. to this Act, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the proper officer of Customs shall produce the invoice bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements, the exporter or agent shall for every such offence forfeit five pounds: Provided always, that no salmon shall be shipped to be exported without previous entry thereof and due compliance with the provisions of the Salmon Fishery Acts for the time being in relation thereto.]

111. *Master or owner to deliver manifest of goods shipped.* [The master or owner of every ship in which any goods shall be exported shall, by himself or his agent, within six days after the final clearance of such ship, deliver to the proper officer of Customs a certificate, if the ship be a steamer tending to a foreign port, of the quantity of coals or fuel shipped for use on the voyage, and a manifest of all the goods shipped, containing the marks and numbers and the number and description of the packages, with the names of the consignors thereof according to the bills of lading relating thereto, and shall make and subscribe a declaration that such manifest contains a true account of all the cargo of such ship, unless a specification comprising all the particulars hereinbefore required to be given be delivered to the proper officer of Customs, with a like declaration that the same contains a true account of the whole cargo of the ship; and the master, owner, or agent acting herein and subscribing the declaration, on failure to comply with any of the foregoing requirements relating to the delivery and verification of any specification or manifest, or otherwise incident thereto, shall for every such offence forfeit five pounds.]

112. *Goods not exported as per specifications to be notified to proper officer.* [If any exporter of goods who shall have delivered a specification thereof for exportation in any ship shall fail, in case such goods or any of them shall not be duly shipped, to attend the proper officer of Customs, within six days after the final clearance outwards of such ship, either by himself or his agent, and correct such specification, he shall forfeit five pounds.]

113. *Shipping bill signed by export officer to be the clearance for the goods.* [The shipping bill or bills, when filled up and signed by the exporter or his agent or the consignee of the ship, as the case may be, in such manner as the export officer may require, and countersigned by him, shall be the clearance for all the goods enumerated therein; and if any of such goods shall consist of transhipment goods, the exporter or his agent shall, under a penalty of forty shillings, furnish to the export officer an accurate account thereof, with the marks, numbers, and description of the packages, and the contents thereof, which, when certified by the export officer, shall

accompany the ship; and if the exporter or his agent shall require a similar certificate in respect of any goods shipped for exportation the export officer shall, on its being presented to him for that purpose, certify the same.]

114. *Licensed lighterman to carry goods.* [If any goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation by any person not at the time duly licensed and authorized to act as a licensed lighterman, either in the port of London or any other port at which lightermen are required to be so licensed, or by any person not being in the employ of such lighterman at the time duly authorized to act as such, every such person shall for every such offence forfeit the sum of twenty pounds.]

115. *Warehoused goods removed or shipped for exportation without authority, forfeited.* [If any goods taken from the warehouse for removal or for exportation shall be removed or shipped, except with the authority or under the care of the proper officer of Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited; and if any such goods shall be illegally removed or carried away from any carriage, cart, boat, lighter, quay, wharf, or other place prior to the shipment thereof on board the exporting or removing vessel, or from any ship, cart, or carriage in or on which the same shall have been shipped or laden, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for the landing or removal and re-warehousing of such goods at the place of destination shall not have expired.]

116. *Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.* [If any goods duly entered for delivery from the warehouse for removal or exportation shall be lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the Commissioners of Customs may remit the duties thereon.]

*As to debentures for drawback on goods exported.*

117. *Debenture for drawback.* [For the purpose of computing and paying any drawback claimed and payable upon any goods duly entered, shipped, and exported, a debenture shall in due time after such entry be prepared by the collector or other proper officer; certifying in the first instance the entry outwards of such goods; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered, by the exporter to the export officer, the shipment and exportation thereof shall be certified upon such debenture by the export officer, and the debenture shall thereupon be computed and passed with all convenient despatch.]

118. *Declaration as to exportation and right to drawback.*—*Name of person entitled to be declared.* [The person entitled to any drawback on any goods duly exported, or his agent authorized by him for that purpose, shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of the United Kingdom, and that such person at the time of entry and shipping was and continued to be entitled to the drawback thereon, and the name of such person shall be stated in the debenture, which shall then be delivered to such person or his agent, and the receipt of such person on the debenture, countersigned by the holder of such debenture, if the same shall have been transferred in the meantime, shall be the discharge for such drawback when paid.]

119. *Payment within two years.* [No debenture for any drawback allowed upon the exportation of any goods shall be paid after the expiration of two years from the date of the shipment of such goods.]

120. *Warehouse or debenture goods not duly exported.* [If any goods which have been cleared to be exported from the warehouse or for any drawback shall be shipped or entered to be shipped on board any vessel of less burden than forty tons, or shall not be duly exported to parts beyond the seas, or if the same or any other goods which shall have been shipped for exportation shall be unshipped or re-landed in any part of the United Kingdom (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), or shall be carried to any of the Channel

Islands (not having been duly entered, cleared, and shipped to be exported or carried directly to such islands), the same shall be forfeited, together with any ship, boat, or craft which may have been used in so unshipping, re-landing, landing, or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose orders or means such goods shall have been so unshipped, re-landed, landed, or carried, or who shall aid, assist, or be concerned therein, shall forfeit all claim to such drawback if not received, or if received, a sum equal to the amount of such drawback or treble the value of such goods, or a penalty of one hundred pounds, at the election of the Commissioners of Customs.

121. *Wine allowed for officers in the navy.* Wine intended for the consumption of officers of her Majesty's Navy on board such of her Majesty's ships in actual service as they shall serve in, not exceeding in any one year for use of such officers the quantities hereinafter respectively mentioned; that is to say,

	Gallons.
For every Admiral . . . . .	1,260
" Vice-Admiral . . . . .	1,050
" Rear-Admiral . . . . .	840
" Captain of the 1st and 2nd rate . . . . .	630
" Captain of the 3rd, 4th, and 5th rate . . . . .	420
" Captain of an inferior rate . . . . .	210
" Lieutenant or other commanding officer, marine officer, master, paymaster, or surgeon . . . . .	105

may be taken from the warehouse without payment of duty and shipped at such ports and under such regulations as the Commissioners of Customs may direct or approve.

122. *On officers leaving the service, &c., wine transferable to others.* If any such officer shall leave the service or be removed to another ship, the officer of the Customs may permit the transfer of any such wine from one officer to another, as part of his proportion, whether on board the same ship or another, or the transshipment from one ship to another for the same officer, or the re-landing and warehousing for future re-shipment; and the officers of Customs at any port may receive the duties for any of such wine, and deliver the same for home use; but if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of Customs, the same shall be forfeited.

123. *Paymasters of her Majesty's ships may ship tobacco for crew free of duty.* The paymaster or other proper officer of any of her Majesty's ships of war in actual service may enter and ship, at any port approved of by the Commissioners of Customs, in the proportions hereinafter mentioned, any tobacco there warehoused in his name or transferred into his name for the use of the ship in which he shall serve, provided such paymaster shall deliver to the collector or other proper officer of such port a certificate from the captain of such ship, stating the name of the paymaster, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be re-landed without leave of the officers of Customs.

124. *Paymaster removed from one ship to another may transship tobacco with permission.* If any paymaster or other proper officer shall be removed from one ship to another, the collector or other proper officer of any port may permit the transshipment of the remains of any tobacco for the use of such other ship, upon due entry thereof by such paymaster or other proper officer, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off, the collector or other proper officer of the port may permit the remains of such tobacco to be landed, and to be entered by the paymaster or other proper officer of such ship, either for payment of duties, or to be warehoused for the term of six months for the supply of some other ship, in like manner as any tobacco may be warehoused and supplied at any port, or for payment of all duties within such six months; and all tobacco warehoused for the purpose of so supplying her Majesty's ships of war shall be subject to the laws in force relating to the warehousing of tobacco generally so far as the same are applicable.

125. *Limiting the quantity of tobacco.* No greater quantity of tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector or other proper officer of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or transferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

*As to the shipment of stores.*

126. *Virtualising bill for stores.—Stores illegally re-landed forfeited, and penalty £100.* The master of every ship of the burden of forty tons or upwards departing from any port in the United Kingdom upon a voyage to parts beyond the seas shall, upon due authority and request made by him, and upon such terms and conditions as the Commissioners of Customs may direct, receive from the export officer an order for the shipment of such stores as may be required and allowed by the collector or other proper officer for the use of such ship, with reference to the number of the crew and passengers on board and the probable duration of the voyage on which she is about to depart; and every such request shall be made in such form and manner as the collector or other proper officer shall require, and shall be signed by the master or owner of the vessel; and the master or his agent duly authorized by him in writing for that purpose, shall deliver to the export officer the stores content, containing the particulars of such stores, and shall make out and subscribe thereon, in the presence of the proper officer, a declaration that the contents thereof are true, and that all the requirements of the Merchant Shipping Acts respecting outward-bound ships have been complied with, and also in account of the stores so shipped, together with any other stores then already on board, and the latter, when signed by the export officer and countersigned by the collector or other proper officer, shall be the virtualising bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board any ship be deemed to be stores, except such as shall be borne upon such virtualising bill; and if any such stores shall be re-landed at any place in the United Kingdom (without the sanction of the proper officers of Customs), the same shall be forfeited, and the master and owner of the ship shall each be liable to a penalty of treble the value of such stores, or one hundred pounds, at the election of the commissioners.

*As to clearance outwards.*

127. *If inward cargo reported for exportation copy of report thereof to be delivered to the searcher.* If there be on board any ship any goods being part of the inward cargo reported for exportation in the same ship, the master shall, before clearance outwards of such ship from any port in the United Kingdom, deliver to the searcher a copy of the report inwards of such goods, certified by the collector or other proper officer, and if such copy be found to correspond with the goods so remaining on board, the export officer shall sign the same, to be filed with the certificates or shipping bills, if any, and virtualising bill of the ship.

128. *Before clearance, certificates to be delivered to the proper officer.—Content.—Form No. 10.—Label signed authority to depart.* Before any ship shall be cleared outwards from the United Kingdom, the master, or other person authorized in writing by him, shall attend before the collector or other proper officer, and shall answer all such questions as shall be demanded of him by such collector or other proper officer concerning the ship, the cargo, and the voyage, and shall deliver to the collector or other proper officer a content of such ship in the form No. 10 in schedule B. to this Act, or to the same effect, and containing the several particulars therein required as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof in the presence of the collector or other officer unless such content shall be in any case dispensed with by the Commissioners of Customs under such regulations as they may see fit, and before clearance shall deliver the certificates, if any, to the collector or other proper officer, who shall file them, together with a copy of the report inwards, if any, of goods reported for exportation in such ship, and the virtualising

bill, with a label attached and sealed thereto in the form and to the effect following:

(Seal.)

*Clearance Label.*

Number of Certificates (numbers in figures).

Ship (name of ship).

Master (name of master).

Date of clearance

Signatures of collector or other }  
proper officers of Customs . }

and such label, when filled up and signed by the proper officers, shall be the clearance and authority for the departure of the ship.

**129. Additional content for goods shipped at other ports.]**

When any ship having been cleared at one port proceeds to take in goods at any other port, the master shall, after due shipment of such goods at such other port, deliver to the collector or other proper officer there an additional like content of the goods so shipped, and so on from port to port until final clearance outwards of the ship, and in each instance the additional certificates, if any, and other necessary documents, shall be attached to the label used at the first port of departure, and be sealed in like manner.

**130. Short shipment of goods to be notified to proper officer.—Goods unshipped.—Penalty.]**

If any goods for the exportation of which in any ship bond shall have been given shall not be duly shipped before the departure of such ship, such goods shall be forfeited unless due notice of the non-shipment thereof shall be given to the proper officer immediately after such departure, in order that he may certify the short shipment thereof; and if such goods shall not within fourteen days after the final clearance of the ship be re-warehoused or re-entered for exportation under bond in some other ship, the person entering the same shall forfeit the sum of five pounds; and if any goods shall be unshipped without the sanction of the proper officer of Customs in any part of the United Kingdom from any ship entered outwards, such goods shall be forfeited and the master of such ship and every person concerned in such unshipment shall forfeit one hundred pounds, or treble the value of the goods so unshipped or landed.

**131. Goods shipped contrary to provisions forfeited.]** If any goods for which entry before shipment is required shall be shipped, put off, or water-borne to be shipped, without being duly cleared, or otherwise contrary to the provisions of this or any other Act relating to the Customs, the same shall be liable to forfeiture.

**132. Penalty on departing without being cleared.]** If any ship having on board any goods shipped as cargo or any goods reported inwards for exportation in such ship, or any stores liable to duty or entitled to drawback, shall depart from any port without being duly cleared, the master shall forfeit the sum of one hundred pounds.

**133. In ballast.—Master to answer questions.—Ships carrying passengers, chalk, or slate in ballast.]** If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer may, on the application of the master, clear such ship in ballast; but the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship having any such stores on board or any goods for exportation in the same ship, shall depart without being duly cleared, the master shall forfeit one hundred pounds.

*As to boarding and departure of ships after clearance.*

**134. Officer may board ship after clearance.]** Any officer of Customs may go on board any ship after clearance outwards within the limits of any port in the United Kingdom, or within one league of the coast thereof, and may demand the ship's clearance, and if the master shall refuse to produce the same and answer such questions concerning the ship, cargo, and intended voyage as may be demanded of him, he shall forfeit the sum of five pounds.

**135. If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit £20.]** If any officer of Customs shall place any lock, mark, or seal upon any

stores or goods taken from the warehouse without payment of duty as stores on board any ship or vessel departing from any port in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if such stores be secretly conveyed away, either while such ship or vessel remains at her first port of departure, or at any port or place in the United Kingdom, or on her passage from one such port or place to another before the final departure of such ship or vessel on her foreign voyage, the master shall forfeit the sum of twenty pounds.

**136. Ships not bringing to at stations, penalty £20.—Carrying away officers, penalty £100.]** If any ship departing from any port in the United Kingdom shall not bring to at such stations as shall be appointed by the Commissioners of Customs for the landing of officers from such ships, or for further examination previous to such departure, the master of such ship shall forfeit the sum of twenty pounds; and if any ship shall depart from any port with any Customs or other Government officer on board, without the consent of such officer, the master shall forfeit one hundred pounds.

**137. Time of exportation and departure defined.]** The time at which any goods, unless prohibited as hereinafter mentioned, shall be shipped on board any export ship shall be deemed to be the time of exportation of such goods, and the time of the last clearance of any ship shall be deemed to be the time of departure of such ship, except as to any goods prohibited to be exported as contraband of war, with reference to which the exportation shall be deemed to be the actual time of the ship's departure on her outward voyage.

**138. Goods prohibited by proclamation.]** The following goods may, by proclamation or Order in Council, be prohibited either to be exported or carried coastwise; arms, ammunition, and gunpowder, military and naval stores, and any articles which her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man, and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

**139. In case of public emergency, &c., pre-entry of export or coastwise goods may be required.]** The Commissioners of Customs may, by order under their hands, require due entry and clearance before shipment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, on being satisfied that the public interests render such course expedient, and if upon such entry the goods shall not be found to correspond with the particulars contained therein, they may be detained until the cause be explained to the satisfaction of the Commissioners of Customs, who may thereupon restore the same on such terms as they may see fit; and any exporter and shipper of any cask or package, containing any explosives as defined by "The Explosives Act, 1875," or by any Order in Council made pursuant thereto, shall duly enter the same before shipment thereof, and in the entry outwards or coastwise thereof shall correctly describe such explosive according to such definition; and if he shall fail or neglect to make such entry, or if the same be false in any particular, he shall forfeit the sum of one hundred pounds, and such cask or package, and the contents thereof, shall also be forfeited.

*AS TO COASTING TRADE.*

**140. All trade by sea from part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.]** All trade by sea from any one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what or to or from what parts of the coast of the United Kingdom shall be deemed a passage by sea, the Commissioners of the Treasury may determine and direct in what cases the trade by water from one port or place in the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any Act relating to the Customs.

141. *Foreign ships in coasting trade subject to same rules as British ships.*—Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.] Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever.

142. *Coasting ship confined to coasting voyage.*] No goods shall be carried in any coasting ship, except such as shall be laden to be carried coastwise at some port or place in the United Kingdom, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen, and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or other proper officer at the port in the United Kingdom where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of one hundred pounds.

143. *Times and places for landing and shipping.*] If any goods shall be unshipped from any ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of the Customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of fifty pounds.

144. *Master of coasting vessel to keep a cargo-book.*—Penalty for false entries in such book.] The master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs, and of the port to which she is bound on each voyage, and shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of twenty pounds.

145. *Account previous to departure to be delivered to col-*

lector in the form No. 11 in schedule B.—Commissioners may grant general transires.] Before any coasting ship shall depart from her port or place of lading, an account, with a duplicate thereof, in the form No. 11 in schedule B. to this Act, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered to the collector or other proper officer, who shall retain the duplicate, and return the original, dated and signed by him; and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if the master shall fail to deliver a correct account he shall forfeit a sum of twenty pounds; provided that the Commissioners of the Customs may, when deemed by them expedient, permit general transires to be given, under such regulations as they may direct, for the lading and clearance and for the entry and unloading of any coasting ship and goods, but the same may be revoked by notice in writing under the hand of the proper officer delivered to the master or owner of any ship or any of the crew on board.

146. *Transire to be delivered in twenty-four hours after arrival.*—Inland Revenue goods.—Goods from the Isle of Man.—Penalty for illegal unloading.—Forfeiture of goods.] Within twenty-four hours after the arrival of any coasting ship at the port or place of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the collector or other proper officer, who shall note thereon the date of delivery; and if any of the goods on board such ship be subject to any duty of Excise, the same shall not be unladen without the authority or permission of the proper officer of Excise; and if any goods on board any coasting ship arriving in Great Britain or Ireland from the Isle of Man shall be the growth or produce of that isle, or manufactures of that isle from materials the growth or produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty shall have been paid and not drawn back in Great Britain or Ireland, the same shall not be unladen until a certificate be produced to the collector or other proper officer from the collector or other proper officer at the port or place of shipment, that proof had there been made in manner required by law that such goods were of such growth, produce, or manufacture, as the case may be; and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of twenty pounds; and if any goods shall be laden on board any ship and carried coastwise, or be brought to any port or place in the United Kingdom for that purpose, or having been brought coastwise shall be unladen in any such port or place contrary to the Customs Acts, such goods shall be forfeited.

147. *Officer may go on board and examine any coasting ship.*] Any collector or other proper officer of Customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unloading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of twenty pounds.

148. *Goods brought coastwise may be entered outwards without landing.*] If the master of any ship bringing any goods not liable to duty coastwise from one port of the United Kingdom to another shall desire to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Commissioners of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

#### AS TO THE CHANNEL ISLANDS AND OTHER POSSESSIONS.

149. *Powers of Commissioners of Customs as to colonies extended to governors, &c.*] The powers and authorities vested in the Commissioners of Customs with regard to any act or thing relating to the Customs, or to trade or navigation in any of the British possessions abroad, shall continue to be vested in the governor, lieutenant-governor, or other person administering the government in any such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer or at any place appointed or nominated by such governor, lieutenant-governor, or other person so administering such government, shall be deemed to have been done by

or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of Customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor, lieutenant-governor, or person so administering the government of any such possession; and all bonds or other securities which shall have been given by or for any such officers and their respective sureties for good conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by directions of any such governor, lieutenant-governor, or person administering the government of any such possession.

150. *Base coin prohibited to be imported into British possessions.* Base or counterfeit coin is hereby absolutely prohibited to be imported or brought, either by sea or inland carriage or navigation, into the British possessions in America and the Mauritius.

151. *Customs Acts to extend to British possessions abroad, except where otherwise provided for.* The Customs Acts shall extend to and be of full force and effect in the several British possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express reference to the United Kingdom or the Channel Islands, and except also as to any such possession as shall by local Act or ordinance have provided, or may hereafter, with the sanction and approbation of her Majesty and her successors, make entire provision for the management and regulation of the Customs of any such possession, or make in like manner express provisions in lieu or variation of any of the clauses of the said Act for the purposes of such possession.

152. *Foreign re-prints of books under copyright prohibited.* Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said commissioners shall cause to be made and transmitted to the several ports in the British possessions abroad, from time to time, to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent her Majesty from exercising the powers vested in her by the tenth and eleventh Victoria, chapter ninety-five, intitled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," to suspend in certain cases such prohibition.

153. *Foreign manufactures with British marks.* If any articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks being or purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited.

154. *Ship and cargo to be reported on arrival.—Particulars of report.—Penalty for false report.* The master of every ship arriving in the Channel Islands, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House for the port or district where he arrives, and there make a report in writing to the proper officer of Customs, in the same form and manner as hereinbefore provided on the arrival of any ship in Great Britain or Ireland from parts beyond the seas, so far as the same may be applicable; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of fifty pounds, and if any goods be not reported such goods shall be forfeited.

155. *Entry of goods to be laden or unladen.—Regulations inwards and outwards.—Regulations coastwise.—Forfeiture.* No goods shall be laden or water-borne to be laden on board any ship, or unladen from any ship, in the Channel Islands, until due entry shall have been made of such goods and warrant granted for the lading or unlading of

the same; and no goods shall be so laden or water-borne or so unladen in the said Channel Islands except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the proper officer of Customs for the lading and unlading of such goods, and in the presence or with the permission of such officer; but the Commissioners of Customs may make such regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment in the said islands, as to them shall appear expedient; and all goods laden, water-borne, or unladen contrary hereto, or to any regulations to be so made, shall be forfeited.

156. *Goods grown or manufactured in Channel Islands.—Duty free.—Master to deliver certificate of produce.* Any goods of the growth of the Channel Islands, and any goods manufactured in the said islands from materials of the growth of the said islands, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has subsequently been granted, may be imported into Great Britain or Ireland from the said islands respectively without payment of any duty, and such goods shall not be deemed to be included in any charge of duties imposed by an Act on the importation of goods generally from parts beyond the seas, except as hereinafter provided; and any person who is about to export from the Channel Islands to Great Britain or Ireland any such goods may go before a magistrate of such islands and make and sign before him a declaration that such goods, stating the quantity, quality, and description thereof, and the number and denomination of the packages containing the same, are of such growth or produce or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the governor, lieutenant-governor, or other proper authority of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which the goods are to be exported; and such certificate shall be the proper document to be produced at such port in proof that the goods mentioned therein are of the growth, produce, or manufacture of such island respectively, and before any such goods shall be admitted to entry at any port in Great Britain or Ireland as being the produce of the said islands (if any benefit attach to such distinction), the master of the ship importing the same shall deliver such certificate to the collector or other proper officer: Provided always, that such goods shall be charged with any proportion of such duties as shall fairly countervail any duties of Excise payable on the like goods the produce or manufacture of the part of Great Britain or Ireland into which they shall be imported, or payable upon any of the materials from which such goods are manufactured; and all goods manufactured in any of the said islands from any other materials than the materials aforesaid shall be declared and taken to be foreign goods.

157. *Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.* If in the Channel Islands any goods, the importation whereof into the United Kingdom is prohibited, or any goods in any packages or in any manner in which the same cannot be legally imported into the United Kingdom, shall be found concealed or prepared for shipment, or be shipped, removed, or brought to any wharf, quay, or other place in the said islands, or be water-borne to be shipped on board any ship without the authority of the proper officers of Customs of the said islands, such goods shall be forfeited, and any person who shall so ship, bring, or water-bear to be shipped any such goods, or be otherwise knowingly concerned therein, or in whose custody or possession the same shall be found, shall forfeit the sum of one hundred pounds, or treble the value of the goods, at the election of the Commissioners of Customs.

158. *Ships not to sail from Channel Islands without clearance.—Penalty.* No ship or boat belonging wholly or in part to her Majesty's subjects shall sail from the Channel Islands without a clearance, whether in ballast or having a cargo; and if with cargo, the master shall give bond to her Majesty in double the value of such cargo for the due landing thereof at the port for which such ship or boat clears; and shall truly answer such questions as may be put to him by the principal or other proper officer of

Customs touching such ship and her intended voyage; and every such ship or boat not having such clearance, or which, having a clearance for her cargo, shall be found light, or to have discharged any part of her cargo before arrival at the port or place of discharge specified in the clearance, shall be forfeited; and the master of every ship so departing without clearance, or refusing to answer, or not answering truly, any such questions, or discharging any part of the cargo of such ship before arrival at her port or place of discharge, shall forfeit the sum of fifty pounds.

159. *Stores for vessels departing from the Channel Islands.* The Commissioners of Customs may from time to time establish regulations as to the quantities, custody, and disposal of tobacco, spirits, and tea to be used as stores by the master, crew, and passengers of any vessel about to depart from the Channel Islands to any port in the United Kingdom, or to any fishing grounds at sea, having regard to the time that will be occupied in the contemplated voyage, the tonnage of the vessel, and the number of her crew and passengers, the particulars of such stores to be noted on the clearance of the vessel; and if they or any part thereof be landed in the United Kingdom from the said vessel contrary to the regulations so established, or without the knowledge or permission of the proper officer of the Customs, they shall be forfeited, and the master of such vessel shall, on proof of any such landing or unshipment, forfeit the penalty of twenty pounds, and if any stores in excess of the quantity allowed by such regulations be found on board any ship so about to depart, they shall be forfeited.

160. *Application of penalties.—Reward to officers for seizures in Channel Islands.* All penalties and forfeitures recovered in the Channel Islands under this or any Act relating to the Customs shall be paid into the hands of the principal officer of the port or place where the same shall have been recovered, and shall be divided, paid, and applied as follows: (that is to say) after deducting the charges and expenses incurred in respect thereof, one moiety of the net produce shall be paid to the Receiver-General of the islands, and the other moiety to or amongst the seizer or other persons by or through whom or whose information such seizure may have been effected, in such manner and proportion as the Commissioners of Customs may direct, except where such seizures shall have been made at sea by the commander or officer of any of her Majesty's ships of war duly authorized to make seizures, in which case such last-mentioned moiety shall be paid to such commander or officer for distribution in the usual way; and where such seizure shall consist of tobacco or spirits, the Commissioners of Customs may allow to such seizer or other persons such further reward as they see fit, not exceeding in any case the sum of five pounds.

161. *Colonial laws repugnant to Acts of Parliament void.* All laws, bye-laws, usages, or customs at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British possessions, which are in anywise contrary to the Customs Acts, are and shall be null and void.

162. *As to importing and exporting spirits into and from Channel Islands in ships of 40 tons and upwards.—Not to extend to spirits in glass bottles, stores, certain warehoused goods, nor to licensed boats supplying Sark.* No spirits (except rum or British spirits) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said islands, or be carried coastwise from any one part to any other part of any one of the said islands, or shall be shipped in order to be so removed or carried in any ship other than of the burden of forty tons or upwards, or in any cask or other vessel capable of containing liquids not being of the size or content of twenty gallons at the least if foreign, or nine gallons at the least if British or Irish; and all spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried contrary thereto, shall be forfeited, together with the ship, and any boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any spirits imported in any such ship in glass bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen and

passengers of such ship during their voyage, and not being more in quantity than is necessary for that purpose, nor to any boat of less burden than ten tons for having on board at any one time any foreign spirits of the quantity of ten gallons or under, such boat having a licence from the proper officer of Customs at either of the islands of Guernsey or Jersey for the purpose, being employed in carrying commodities for the supply of the island of Sark, which licence such officer is hereby required to grant without fee or reward; but if any such boat shall have on board at any one time any greater quantity of spirits than ten gallons, unless in casks or packages of the size and content of twenty gallons at the least if foreign, or nine gallons at the least if British or Irish, such spirits and boats shall be forfeited.

163. *Provision as to importation of tobacco, &c., into Channel Islands.* No tobacco, cigars, or snuff shall be imported into the Channel Islands, nor be carried from any one of the said islands to another of them, or from one part of any of the said islands to another part of the same, unless in ships of not less burden than forty tons, nor unless in packages each containing not less than eighty pounds net weight of such tobacco, cigars, or snuff, nor unless the provisions in and under which the like sort of goods may be legally imported into the United Kingdom are complied with; and all tobacco, cigars, or snuff imported into the said islands, or found, carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any ship or boat within one league of the coasts thereof, shall be forfeited, together with the ship or boat.

164. *Malta deemed to be in Europe.* The island of Malta and its dependencies shall be deemed to be in Europe.

#### AS TO BONDS AND OTHER SECURITIES.

165. *All bonds and securities entered into valid.—Bonds to be taken to the use of her Majesty.—Bonds of minors valid.* All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relative to the Customs or incident thereto shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of the Customs Acts; and all bonds relating to the Customs, or for the performance of any condition or matter incident thereto, shall be taken to or for the use of her Majesty; and all such bonds, except such as are given for securing the due exportation or payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled by or by the order of the Commissioners of Customs; and all bonds given under the provisions of the Customs Acts by persons under twenty-one years of age shall be valid.

166. *How bonds satisfied may be discharged.* If any bond given under the provisions of the Customs Acts, or in respect of any matter under the control or management of the Commissioners of Customs, shall have been registered in the Court of Common Pleas in England or in the Common Pleas Division of the High Court of Justice in England, or in the office of the Registrar of Judgments in Ireland, and the condition of such bond shall have been satisfied, the Commissioners of Customs, by certificate under the hands of any two or more of them, may authorize the proper officer of the said court or office of Registrar of Judgments, as the case may be, to enter up satisfaction on the record of such bond or obligation; and such certificate may be in the form or to the effect following:

"This is to certify that the following bond has been satisfied and cancelled.

Name or Names of the Obligor or Obligors.	Date of Bond.	Penalty.	Condition.	When registered.

"Given under our hands, this      day of      187      .  
"Commissioners of Customs.

"To the senior master or other proper officer of the Common Pleas Division of the High Court of Justice (if in England), or To the Registrar of Judgments (if in Ireland), (as the case may be)."

and upon the receipt of such certificate such officer is required to enter up satisfaction accordingly, whereupon the bond or obligation shall be discharged, and the lands thereby affected shall be released and exonerated from all claims in respect thereof.

167. *Exoneration of estates of obligors.—Form of certificate of exoneration.*—Certificates to be sufficient evidence of exoneration.] When any bond entered into under the provisions of any of the Customs Acts, or for the performance of any condition, order, or matter incident or relative to the Customs, shall have been registered in the Court of Common Pleas in England, under the Act of the second year of the reign of her present Majesty, chapter eleven, or in the office of the Registrar of Judgments in Ireland, under the Act of the seventh and eighth years of the reign of her said Majesty, chapter ninety, and it shall be deemed necessary in the discretion of the Commissioners of Customs to exonerate the whole or any part of the lands of any obligor of such bond from liability in respect thereof, the Commissioners of Customs, by certificate or certificates under the hands of any two or more of them, may, first requiring the consent of any co-obligor, if they shall deem it necessary, exonerate and discharge such lands or any part thereof, as the case may require, and such certificate may be in the form or to the effect following:

"By a bond or obligation bearing date the day of , 18 [name of obligor seeking exoneration], of [residence and description of obligor] became bound to her Majesty, her heirs and successors, in the sum of , conditioned as therein mentioned; and the said bond was, on the day of , 18 , duly recorded in the Court of Common Pleas [if in England, or filed in the office of the Registrar of Judgments, if in Ireland] in pursuance of the Act [state the Act under which the bond was registered].

"This is to certify, that all the estate, lands, tenements, and hereditaments [if the whole are to be discharged] or [here set out the particular lands, tenements, and hereditaments exonerated, if part only are to be discharged, adding the following words] being part of the estate, lands, tenements, and hereditaments of the said [name of obligor seeking exoneration] are wholly exonerated and discharged from all claims of her Majesty, her heirs or successors, or of the Commissioners of Customs on her or their behalf, in respect of such bond or obligation.

"Given under our hands this day of , 18 .  
(Signed)

"Commissioners of her Majesty's Customs."

and the lands mentioned in such certificate or certificates shall thereupon be held wholly exonerated and discharged from all liability in respect of such bond or obligation, and every such certificate shall be accepted by all persons and in all courts as sufficient evidence of the exoneration of the lands therein described.

#### AS TO MAKING AND SIGNING FALSE DECLARATIONS RELATING TO THE CUSTOMS, FALSELY ANSWERING QUESTIONS, AND COUNTERFEITING DOCUMENTS.

168. *Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.* If any person shall in any matter relating to the Customs or under the control or management of the Commissioners of Customs, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign any declaration, certificate, or other instrument required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Commissioners of Customs on any application presented to them, the same being untrue in any particular, or if any person required by this or any other Act relating to the Customs to answer questions put to him by the officers of Customs shall not truly answer such questions, or if any person shall counterfeit, falsify, or wilfully use when counterfeited or falsified, any document required by this or any Act relating to the Customs or by or under the directions of the Commissioners of Customs, or any instrument used in the transaction of any business or matter relating to the Customs, or shall alter any document or instrument after the same has been officially

issued, or counterfeit the seal, signature, initials, or other mark of or used by any officer of the Customs for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the Customs or under the control or management of the Commissioners of Customs or their officers, every person so offending shall for every such offence forfeit the penalty of one hundred pounds.

#### AS TO THE RESTRICTIONS ON SMALL CRAFT AND THE REGULATIONS FOR THE PREVENTION OF SMUGGLING.

169. *Commissioners may make general regulations for vessels and boats not exceeding 100 tons.* The Commissioners of Customs may from time to time, by order under their hands, make such general regulations as they shall deem expedient in respect of vessels and boats not exceeding one hundred tons burden, for the purpose of prescribing, with reference to the tonnage, build, or description of such vessels or boats, the limits within which the same may be employed, the mode of navigation, the manner in which such vessels or boats shall be so employed, and, if armed, the number and description of arms, the quantity of ammunition, and such other terms, particulars, conditions, and restrictions as the said Commissioners may think fit, and also from time to time may revoke, alter, or vary such regulations; and the general regulations made under any former Act, and in force at the time of the passing of this Act, shall remain and continue in force until altered, varied, or revoked.

170. *Vessels and boats used contrary to regulations forfeited.* Every ship or boat which shall be used or employed in any manner contrary to the regulations prescribed by the Commissioners of Customs shall be liable to forfeiture, unless the same shall have been specially licensed by the Commissioners of Customs to be so used or employed, as next hereinafter provided.

171. *Commissioners of Customs may grant special licences on terms.* The Commissioners of Customs may, if they shall so think fit, grant licences in respect of any vessels or boats not exceeding one hundred tons burden, upon such terms and conditions and subject to such restrictions and stipulations as in such licences mentioned, notwithstanding any general regulations made in pursuance of this Act, whether the said regulations shall be revoked or not; and if any vessel or boat so licensed shall not comply with the conditions imposed by or expressed in any such licence, or if such vessel or boat shall be found without having such licence on board, such vessel or boat shall be forfeited.

172. *Vessels made use of in removal of uncustomed or prohibited goods forfeited.* If any vessel or boat shall be used in the importation, landing, removal, carriage, or conveyance of any uncustomed or prohibited goods, the same shall be forfeited, and the owner and the master of every such vessel or boat shall each forfeit and pay a penalty equal to the value of such vessel or boat, not in any case exceeding five hundred pounds.

173. *Commissioners may revoke licences.* The Commissioners of Customs may revoke, alter, or vary any licence or licences granted under any former Act, or which may hereafter be granted under this or any other Act relating to the Customs.

174. *Regulations to extend to Channel Islands.* All the regulations which shall be so made by the Commissioners of Customs relating to vessels and boats, and the power to grant, revoke, or vary such licences, shall extend to the Channel Islands.

175. *Boats of vessel to have thereon the name of vessel, port, and master.* The owner of every ship belonging wholly or in part to any of her Majesty's subjects shall paint or cause to be painted upon the outside of the stern of every boat belonging to such ship the name of such ship and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of every such boat not so marked, wherever the same shall be found.

176. *Boats not belonging to ships to have name of owner and port thereon.* The owner of every vessel or boat, whether decked, partially decked, or open, not being of the burden of one hundred tons, and not belonging to any ship, shall paint or cause to be painted upon the outside of the stern of such boat in white or yellow Roman letters, of not less than two

inches in length, on a black ground, the name of the owner of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

177. *Goods unshipped without payment of duty and prohibited goods liable to forfeiture.*—Goods illegally removed from warehouse.—Prohibited goods shipped or water-borne with intent to be exported, &c.—Goods concealed on board, and goods packed therewith, forfeited.] If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (Customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom; or if any goods shall be removed from any ship, quay, wharf, or other place, previously to the examination thereof by the proper officer of Customs, or being entered to be warehoused shall be carried into the warehouse, unless under the care or authority of such officer and in such manner and by such roads or ways and within such time as he shall direct; or if any goods entered to be warehoused, after the landing thereof, shall be removed or withdrawn from any quay, wharf, or other place in the United Kingdom, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, either for home consumption or exportation, or shall have been delivered from any warehouse or other place without payment of duty for removal to any other warehouse or place, shall be clandestinely or illegally removed from or out of any warehouse or place of security, or shall not be duly delivered at the place at which such goods were destined to be removed; or if any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be put on board any ship for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of Customs as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port of the United Kingdom, or shall be found either before or after landing to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid; then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

178. *Restricted goods to be deemed run.*] All goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom under the Customs Acts, shall, for the purpose of proceeding for the forfeiture of them or for any penalty incurred in respect of them, be deemed and taken to be, on the trial or hearing thereof, goods liable to and unshipped without payment of duties, unless the contrary be proved.

179. *Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof, having prohibited goods on board or attached thereto, forfeited.*—Prohibited goods shipped or water-borne with intent to be exported, &c.—Persons found or discovered to have been on board vessels with contraband goods may be detained.] If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river, or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the

United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been stowed or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in her Majesty's service, or on board any foreign post-office packet employed in carrying mails between any foreign country and the United Kingdom, having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour, or snuff work, shall forfeit a sum not exceeding one hundred pounds; and every such person may be detained and taken before any justice, to be dealt with as hereinafter directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign State or country.

180. *Ships belonging to her Majesty's subjects, &c., throwing overboard any goods during chase, forfeited, and persons escaping deemed British subjects.*] If any ship or boat belonging wholly or in part to her Majesty's subjects, or having one-half of the persons on board subjects of her Majesty, shall not bring to upon signal made by any vessel or boat in her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof to prevent seizure, such ship or boat shall be forfeited; and all persons escaping from any such ship or boat during chase shall be deemed subjects of her Majesty, unless the contrary be proved.

181. *Ships not bringing to when required to, penalty £20.*—Not bringing to, may be fired into.] If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in her Majesty's navy, having the proper pendant and ensign of her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

182. *Ships may be searched within the limits of the ports.*] Any officer of Customs or other person duly employed for the prevention of smuggling may go on board any ship or boat which shall be within the limits of any port of the United Kingdom or the Channel Islands, and rummage and search the cabin and all other parts of such ship or boat for prohibited or uncustomed goods, and remain on board such ship or boat so long as she shall continue within the limits of such port.

183. *Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.*] If any ship or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited.

184. *Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.*] Any officer of Customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or any person who shall have landed

from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person; and if any person shall rescue, destroy, or attempt to destroy any goods to prevent seizure, or obstruct any such officer or other person duly employed as aforesaid in going, remaining, or returning from on board, or in searching such ship or boat or person, or otherwise in the execution of his duty, every such person shall forfeit a sum not exceeding one hundred pounds.

185. *Persons before search may require to be taken before a justice or officer of Customs.*—Penalty on officers for misconduct. —Penalty on persons denying having foreign goods about them.] Before any person shall be searched he may require to be taken with all reasonable despatch before a justice, or before the collector or other superior officer of Customs, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female; but if any officer shall without reasonable ground cause any person to be searched, such officer shall forfeit and pay a sum not exceeding ten pounds. If any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat, shall, upon being questioned by any officer of Customs or other person duly employed for the prevention of smuggling whether he has any foreign goods upon his person or in his possession or in his baggage, deny the same, and any such goods shall, after such denial, be discovered to be or to have been upon his person or in his possession or in his baggage, such goods shall be forfeited, and such person shall forfeit one hundred pounds, or treble the value of such goods, at the election of the Commissioners of Customs.

186. *Illegally importing.—Unshipping.—Removing from quay, wharf, &c.—Carrying goods into warehouse without authority.—Removing from warehouse.—Harbouring.—Carrying.—Evasion of duties of Customs.*—Penalty treble value, or £100.] Every person who shall import or bring, or be concerned in importing or bringing, into the United Kingdom any prohibited goods, or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unshipped or not; or shall unship, or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or shall deliver, remove, or withdraw from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, any goods imported into the United Kingdom or any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or shall carry into the warehouse any goods entered to be warehoused or to be re-warehoused, except with the authority or under the care of the proper officer of Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct; or shall assist or be otherwise concerned in the illegal removal or withdrawal of any goods from any warehouse or place of security in which they shall have been deposited; or shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any prohibited, restricted, or uncustomed goods, or any goods which shall have been illegally removed without payment of duty from any warehouse or place of security in which they may have been deposited; or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud her Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of Customs, or of the laws and restrictions of the Customs relating to the importation, unshipping, landing, and delivery of goods, or otherwise contrary to the Customs Act; shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or one hundred pounds, at the election of the Commissioners of Customs; and the offender may either be detained or proceeded against by summons.

187. *Rescuing goods.—Rescuing person.—Assaulting, resisting, or obstructing officers.* Every person who shall rescue, or

endeavour to rescue, any goods seized by any officer of Customs or other person authorized to seize the same, or before or after seizure shall stave, break, or destroy, or endeavour to stave, break, or destroy any goods, to prevent the seizure or the securing thereof by such officer or other person; or shall rescue any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts, or prevent or attempt to prevent his apprehension; or shall assault or obstruct any officer of the army, navy, marines, coastguard, Customs, or other person duly employed for the prevention of smuggling, in the execution of his duty, or in the seizing of any goods liable to forfeiture under the Customs Acts, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence forfeit a penalty of one hundred pounds.

188. *Penalty for assembling to run goods.* All persons to the number of three or more who shall assemble for or having so assembled shall unship, land, run, carry, convey, or conceal any spirits, tobacco, or prohibited, restricted, or uncustomed goods shall each forfeit a penalty not exceeding five hundred pounds nor less than one hundred pounds.

189. *Procuring or hiring persons to assemble to run goods.—Persons armed or disguised.*—With goods within five miles of coast.] Every person who shall by means procure or hire, or shall depute or authorize any other person to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall be imprisoned for any term not exceeding twelve months; and if any person engaged in the commission of any of the above offences be armed with firearms or other offensive weapons, or whether so armed or not be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the Customs Acts within five miles of the sea-coast or of any tidal river, shall be imprisoned with or without hard labour for any term not exceeding three years.

190. *Persons signalling smuggling vessels may be detained and forfeit £100, or be kept to hard labour for one year.* No person shall, after sunset and before sunrise between the twenty-first day of September and the first day of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time of the year, make, aid, or assist in making any signal in or on board or from any ship or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board of such ship or boat be or not within distance to notice any such signal; and if any person, contrary to the Customs Acts, shall make or cause to be made, or aid or assist in making, any such signal, he shall be guilty of a misdemeanour, and may be stopped, arrested, detained, and conveyed before any justice, who, if he see cause, shall commit the offender to the next county gaol, there to remain until delivered by due course of law; and it shall not be necessary to prove on any indictment or information in such case that any ship or boat was actually on the coast; and the offender, being duly convicted, shall, by order of the court before whom he shall be convicted, either forfeit the penalty of one hundred pounds, or, at the discretion of such court, be committed to a gaol or house of correction, there to be kept to hard labour for any term not exceeding one year.

191. *Proof of a signal not being intended on defendant.* If any person be charged with having made or caused to be made, or for aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

192. *Any person may prevent signals.* Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit, or action for the same.

193. *Persons shooting at boats belonging to navy or Revenue service, guilty of felony.* If any person shall maliciously shoot at any vessel or boat belonging to her Majesty's navy, or in the service of the Revenue, or shall maliciously shoot at, maim, or wound any officer of the army, navy, marines, or coast-

guard being duly employed in the prevention of smuggling and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, upon conviction, be adjudged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding three years.

194. *Officers may haul their vessels on shore without being liable to suit.* [The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid may haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines), which shall be deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action, or suit for so doing.]

105. *Penalty on persons cutting adrift vessels belonging to the Customs.* [Every person who shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any vessel, boat, buoy, anchor, chain, rope, or mark in the charge of or used by any person for the prevention of smuggling, or in or for the use of the service of the Customs, shall for every such offence forfeit the sum of ten pounds.]

196. *Officers of army, &c., may patrol coasts without being liable to suit.* [Any officer of the army, navy, marines, or coastguard being duly employed for the prevention of smuggling and on full pay, or any officer of Customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or any railway, or the shores or banks of any river, creek, or inlet of the same (not being a garden or pleasure ground); and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.]

197. *Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be detained or admitted to bail.* [Any person brought before any justice for any offence against the Customs Acts, in respect of which such justice is not empowered to proceed summarily, may by his order be detained in gaol or in the custody of the police or constabulary force a reasonable time to obtain the order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary information and warrant of commitment, and at the expiration of such time to be brought before him or any other justice to hear and determine the matter; or if any information shall have been preferred before any justice against any person for any such offence, and it shall be made to appear to such justice that such person is likely to abscond, such justice may, in lieu of issuing a summons for his appearance, grant his warrant to bring such offender before him or any other justice at a time and place to be named in such warrant for the hearing of such information, but such person may be liberated, on giving security to the satisfaction of such justice in such sum as he may see fit, to appear at any time and place appointed by such justice for hearing the case.]

198. *Persons in her Majesty's service detained to be secured on board until warrant procured.* [Where any person, being part of the crew of any ship in her Majesty's employment or service, shall have been detained under the Customs Acts, such person, upon notice thereof to the commanding officer of the ship, shall be placed in security by such commanding officer on board such ship or vessel, until required to be brought before a justice to be dealt with according to law, for which purpose such commanding officer shall deliver him to the detaining officer.]

199. *Any person escaping may afterwards be detained.* [If any person liable to be detained under the Customs Acts shall not be detained at the time of committing the offence, or being detained shall escape, he may afterwards be detained at any place in the United Kingdom within three years from

the time such offence was committed, and if detained may be taken before any justice to be dealt with as if he had been detained at the time of committing such offence, or if not so detained may be proceeded against by information and summons.]

200. *Only officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.* [If any person not being an officer of the navy, Customs, or Excise shall intermeddle with or take up any spirits being in casks of less content than twenty gallons found floating upon or sunk in the sea, such spirits shall be forfeited, together with any vessel or boat in which they may be found; but if any person shall give information to any such officer so that seizure of such spirits may be made, he shall be entitled to such reward as the Commissioners of Customs may direct.]

201. *Penalty for offering goods for sale on pretence of being smuggled.* [If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run ashore without payment of duties, all such goods (although not liable to any duties or prohibited) shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.]

202. *Ships, &c., used in the removal of run goods to be forfeited.—Ships, boats, &c., and persons may be detained.—Seizures to be taken to the nearest Custom House.* [All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the importation, landing, removal, or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts shall be forfeited, and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things liable to forfeiture, and all persons liable to be detained for any offence under the Customs Acts, or any other Act whereby officers of Customs are authorized to seize or detain persons, goods, or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons, being duly employed for the prevention of smuggling, that is to say, any officer of her Majesty's army, navy, marines, coastguard, Customs, or Excise, or by any person having authority from the Commissioners of Customs or Inland Revenue to seize, or by any constable or police officer of any county, city, or borough in the United Kingdom so employed with the sanction of the magistrates having jurisdiction therein, or under or by virtue of any Act in relation thereto; and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things so seized, shall forthwith be delivered into the care of the collector or other proper officer of Customs at the nearest Custom House; and the forfeiture of any ship, boat, carriage, animal, or other things shall be deemed to include the tackle, apparel, and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.]

203. *Officers of Customs may on probable cause stop carts, &c., and search for goods.* [Any officers of Customs, Excise, coastguard, constabulary, police, or other person duly employed for the prevention of smuggling, may upon reasonable suspicion or probable cause stop and examine any cart, wagon, or other conveyance, to ascertain whether any smuggled goods are contained therein; and if none shall be found the officer or other person shall not on account of such stoppage and examination be liable to any prosecution or action at law on account thereof, and any person driving or conducting such cart, wagon, or other conveyance refusing to stop or allow such examination when required in the Queen's name, shall forfeit not less than twenty nor more than one hundred pounds.]

204. *Officers authorized by writ of assistance or warrant may search houses for uncustomed or prohibited goods.* [All writs of assistance issued from the Court of Exchequer or other proper court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of Customs or person acting under the direction of the Commissioners of Customs, having such writ of assistance or any warrant issued by a justice of the peace, may, in the daytime, enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, and put and secure the same in the Queen's warehouse, and may take

with him any constable or police officer, who may act as well without as within the limits of the district or place for which he shall have been sworn or appointed.

205. *Officers may search premises by warrant granted on reasonable cause shown.*] If any officer of Customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any house or other place either in the United Kingdom or the Channel Islands, and it shall be made to appear by information on oath before any justice of the peace in the United Kingdom or the Channel Islands, it shall be lawful for such justice, by special warrant under his hand, to authorize such officer to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer, and he is hereby authorized, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid; and such officer may if he see fit avail himself of the service of any constable or police officer to aid and assist in the execution of such warrant, and any constable or other police officer is hereby required when so called upon to aid and assist accordingly.

206. *Goods stopped by police officers may be retained until trial of persons charged with stealing them.*] If any such goods liable to duties of Customs, or prohibited to be imported, or in any way restricted, shall be stopped or taken by any police officer on suspicion that the same had been feloniously stolen, he may carry the same to the police office to which the offender if detained is taken, there to remain until and in order to be produced at the trial of such offender, and in such case the officer is required to give notice in writing to the Commissioners of Customs of such stoppage or detention, with the particulars of the goods, but immediately after such stoppage if the offender be not detained, or if detained immediately after the trial of such offender, such officer shall convey to and deposit the goods in the nearest Customs warehouse, to be proceeded against according to law; and if any police officer so detaining any such goods shall neglect to convey the same to such warehouse, or to give the notice hereinbefore prescribed, he shall forfeit a sum not exceeding twenty pounds.

207. *Notice to be given by seizing officer to owner of ships or goods seized, and seizures to be claimed within one month.—Perishable goods, &c., may be sold.*] Whenever any seizure shall be made, unless in the possession or in the presence of the offender, master, or owner as forfeited under the Customs Acts or under any Act by which Customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and transmitted by post or delivered at his last known place of abode or business, if known; and all seizures made under the Customs Acts or under any Act by which Customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Commissioners of Customs may direct, unless the person from whom such seizure shall have been made or the master or owner thereof, or some person authorized by him, shall, within one calendar month from the day of seizure, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the Customs, and if elsewhere, to the person seizing the same, or to the collector or other chief officer of the Customs at the nearest port, that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof either by information filed in the Exchequer Division of the High Court of Justice in England on the Revenue side, or exhibited before any justice of the peace; but if any things so seized shall be of a perishable nature, or consist of horses or other animals, the same may by direction of the Commissioners of Customs be sold, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

208. *Seizures may be disposed of as Commissioners of Customs direct.*] All seizures whatsoever which shall have been made and condemned under the Customs Acts or any other act by which seizures are authorized to be made by officers of Customs shall be disposed of in such manner as the Commissioners of Customs may direct.

209. *Seizures may be restored and punishments mitigated.*]

When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under the Customs Acts, the Commissioners of the Treasury or Customs may direct the restoration of such seizure, whether condemnation shall have taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person on any terms and conditions as they shall see fit.

*As to compensation and rewards.*

210. *Officers wounded to be provided for, &c.*] If any officer or seaman employed in the service of the Customs or Inland Revenue shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid or duly employed for the prevention of smuggling shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman or so employed, the Commissioners of Customs or Inland Revenue respectively may, with the sanction of the Commissioners of the Treasury, make such provision for such officer or person, or for the widows and families of such as shall be killed, as they may see fit.

211. *Rewards for detaining smugglers.*] The Commissioners of Customs may award to any officer or any person detaining any person liable to detention under the Customs Acts, if convicted, such reward as they may think fit, not exceeding the sum of twenty pounds for each person.

212. *Rewards out of penalties.*] The Commissioners of Customs may order such reward as they see fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

213. *Rewards to officers making seizures.—The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.*] The Commissioners of Customs, may order to be paid in respect of any seizure made under the Customs Acts, to the person or persons making the same, such rewards as they may see fit, not exceeding the value of the goods or things so seized, and for this purpose the value of spirits and tobacco seized as aforesaid shall be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Customs may think fit.

214. *How value is to be ascertained.*] In all cases where any penalty the amount of which is to be determined by the value of any goods is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any court or before justices, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like sort of goods were sold in bond at or about the time of the offence, with the duties due thereon added to such rate or price in bond, except as to tobacco stalks, tobacco stalk flour, and stalk-work, or any tobacco of a kind prohibited to be imported, the value of which shall, for the purpose of any suit or proceeding under this or any Act relating to the Customs, be estimated at the market price of the best sort of tobacco, with the highest rate of duty then chargeable on the importation of manufactured tobacco added thereto.

215. *All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.*] Every reward or share of any seizure or of the value thereof payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of her Majesty's army, navy, or marines, or acting under the orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as her Majesty shall by her order or Orders in Council or by her Royal proclamation in that behalf be pleased to direct and appoint.

216. *Commissioners may distribute officers' shares of seizure so as to reward persons not actually present.*] The Commissioners of Customs or Inland Revenue respectively may, in case of any seizure of ships, boats, or goods, or of the apprehension of any parties, under this or any other Act relating to the Customs, direct the distribution of the seizure's share of such ships, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure so that any other person through whose information or means such seizure shall have been made or penalty recovered or party appre-

tended, and who may by them be deemed to be so entitled, may participate in such proportions as the said Commissioners shall respectively deem expedient.

*As to collusive seizures.*

217. *Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.* If any officer of Customs or other person duly employed for the prevention of smuggling shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel or boat or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, or conspire or connive with any person to import or bring into the United Kingdom or the Channel Islands or any of the British possessions abroad, or be in any way concerned in the importation or bringing into the United Kingdom or the said islands or possessions, of any goods prohibited to be imported or liable to duties of Customs, for the purpose of seizing any ship, boat, or goods, and obtaining any reward for such seizure or otherwise, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving her Majesty in any office, either civil, naval, or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of two hundred pounds.

**AS TO THE COURSE OF PROCEDURE FOR RECOVERING PENALTIES, ENFORCING FORFEITURES, AND PUNISHING OFFENDERS UNDER THE CUSTOMS ACTS.**

218. *How penalties, &c., to be sued for.*—*Proviso where the duties and penalties sought to be recovered shall not exceed £100.* All duties, penalties, and forfeitures incurred under or imposed by the Customs Acts, and the liability to forfeiture of any goods seized under the authority thereof, may be sued for, prosecuted, determined, and recovered by action, information, or other appropriate proceeding in the High Court of Justice in England, or by action of debt, information, or other appropriate proceeding in the superior courts of common law at Dublin or Edinburgh, or in the Royal courts of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in the name of the Attorney-General for England or Ireland respectively, or of the Lord Advocate of Scotland, or of some officer of Customs or Excise, before one or more justice or justices in the United Kingdom, the Isle of Man, or the Channel Islands: Provided always, that the forty-fourth section of the second and third Victoria, chapter seventy-one, shall not apply to any offence against the Customs Laws.

219. *Execution may issue after trial out of term.* In any case where a verdict is or shall have been obtained at the suit of the Crown against any defendant in any of the superior courts, execution thereon may issue on or after the expiration of fourteen days from the date of such verdict, in the same manner as execution may issue in any case under the one hundred and twentieth section of "The Common Law Procedure Act, 1852," unless the judge who tried the cause, or some other judge, or the court, shall order execution to issue at any earlier or later period, with or without terms.

220. *Penalty and costs to be stated in convictions, &c.* When any person is convicted and adjudged to pay a pecuniary penalty for any offence against the Customs Acts, and such person shall be committed in default of payment of penalty and costs, the amount of costs awarded to be paid by such person, as well as the penalty so adjudged, shall be stated in the conviction and also in the commitment.

221. *Where proceeding by capias is waived in favour of the subject, justices may issue warrant and admit to bail.* Whenever the Commissioners or the proper officer of Customs shall proceed by information against any person for any offence under the Customs Acts before any justice, instead of proceeding in the Exchequer Division of the High Court of Justice, where a capias might be issued for arresting and holding the offender to bail, such justice may, on sufficient information on oath that the offence has been committed, issue his warrant to bring such offender before him or any

other justice, and on his being so brought to require him to give security in such amount as he may deem sufficient to appear before him or any other justice at a time and place appointed for the hearing of the case, and in default of such security to commit such offender to gaol, or to the custody of the police or other constabulary force.

222. *Penalties joint and several may be sued for by joint and several information.* When by the Customs Acts a penalty jointly and severally shall have been incurred by any number of persons, such persons may be proceeded against jointly by one information, or severally by separate informations, as the Majesty's Attorney-General for England or Ireland, and as the Lord Advocate of Scotland, or the Commissioners of Customs respectively may deem expedient; and in case of a proceeding against such several persons by joint information for recovery of the penalty or penalties so severally incurred by each, the penalty or penalties shall be recoverable against each, notwithstanding that any one or other of such persons so jointly proceeded against may have allowed judgment to go by confession or default, or that the penalty adjudged to be paid by any one or other of the defendants so jointly sued may be for a different amount from that of the penalty in which any one or other of such several persons may be convicted, or that any one or other of such several persons so jointly prosecuted may be acquitted; and no judgment on any such information shall be reversed or avoided, or error in law alleged therein, on the ground of any such judgment being obtained by confession or default of any of the persons, nor on account of any difference in the amount of the penalty or penalties in which any one or more of such persons may be convicted, or the acquittal of any such persons; but every such judgment shall be valid and effectual against any or all of the said several persons so jointly proceeded against, and for the full amount of the penalty or penalties in which such person or persons shall have been severally or respectively convicted.

223. *Informations, convictions, &c., to be in form, &c., in schedule C.* All informations exhibited before any justice for any offence committed against or forfeiture incurred under this or any other Act relating to the Customs, and all summonses, convictions, and condemnations for such offences and forfeitures, and all warrants of any justice founded upon such convictions, may be in the form or to the effect in schedule C. to this Act; and the form of information given in the said schedule, and the counts therein contained with reference to any offences created by or punishable under the several sections of this Act to which the same or any of them relate, shall be applicable to and sufficient for all purposes in the prosecution of such offences and forfeitures; and where two or more counts are given upon the same section those counts may be used which apply most nearly to the circumstances of the case; and any one or more of the said counts may be included in the same information, together with any other count or counts; and any one or more of the words or paragraphs descriptive of offences charged in any one or more of the counts in the same form of information, separated from the others by the word *or* in italics, may be used exclusively of the others, in conjunction with any other part of such form, and in any case, or for any offence or forfeiture for which no count is given in the said schedule, such count or counts may be substituted or added as circumstances may require; and every such information and every conviction and warrant of commitment or condemnation for such offence or forfeiture shall be deemed valid and sufficient in which the offence or forfeiture is set forth either in the words of the Act or Acts by which the penalty for such offence has been inflicted or under which any forfeiture has been incurred, or in the words of the information by this Act prescribed; and where in any such forms the word "Customs" is used to describe the Commissioners or officers of Customs, the words "Inland Revenue" or "Excise" may be substituted, as the case may require, and the like counts shall be applicable to and sufficient for the like purposes, and be used in like manner in any information filed in any court having jurisdiction in such cases under this or any Act relating to the Customs; and no conviction, warrant of commitment, or condemnation shall be held void by reason of any defect therein; and no party shall be entitled to be discharged out of custody on account of such defect, provided it be alleged in such warrant that the said party has been convicted of such offence, and that it shall appear to the court or judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds; and every such warrant may be executed by any officer of Customs, and in any part

of the United Kingdom, without further indorsement or sanction than that of the justice issuing the same; and no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

224. *Justices may summon offender.* Upon the exhibiting of any information before any justice against any person for any offence against the Customs Acts for which offence the party charged is not liable to be detained, or being liable shall not be detained, or by which any penalty or forfeiture shall be sought to be recovered, or any punishment of hard labour sought to be inflicted, within three years next after the commission of the offence, such justice may from time to time and at any time afterwards issue his summons directed to such party, stating shortly the matter of such information, and requiring him personally to appear at a certain time or place before him or any other justice to answer to the said information, and to be further dealt with according to law.

225. *On attendance of the party on the day and place appointed, justices may hear and determine the case.*—On non-appearance, justice to proceed as if he had appeared. If on the day and at the place appointed in such summons the party so summoned shall appear before such justice, then such justice shall proceed to hear and determine the matter of such information, and on proof thereof, either upon the confession of the party or upon the oath of one or more credible witness or witnesses, shall convict the party charged in such information, but if the party so summoned shall fail so to appear, then if it be proved upon oath or affirmation to the justice then present that such summons was duly served at a reasonable time before the day appointed for his appearance, such justice may proceed ex parte to hear such information and adjudicate thereon as if such party had personally appeared before him in obedience to such summons.

226. *Justices may condemn goods liable to forfeiture.* When any information shall have been exhibited before any justice for the forfeiture of any goods seized under the Customs Acts, such justice is hereby required to summon the owner of such goods or the person from whom they were seized to appear before him or any other justice, and upon his or her appearance or default to appear, due service of such summons being proved, such justice may proceed to the examination of the matter, and on proof that the goods are liable to forfeiture under the Customs Acts may condemn the same.

227. *Summons to be served personally, or by leaving same at last known place of abode.* Every summons issued by a justice of the peace under the Customs Acts, either to bring any person before him to answer any information or complaint, or any person to appear before him to testify what he may know concerning the matter of such information, wherever in the United Kingdom such person may be or reside, shall be deemed to be sufficiently served by any officer of Customs or other duly authorized person delivering the same to the party summoned personally, or by leaving the same at his last known place of abode or business in the United Kingdom, or on board any ship or vessel to which he may belong or may have lately belonged.

228. *Penalty for neglecting to attend.* If any person so summoned to testify as aforesaid shall refuse or neglect to appear at the time and place appointed in such summons, by the justice issuing the same, and no just excuse shall be offered for such neglect or refusal, then, after due proof of the service of such summons, or if such person having appeared in obedience to such summons shall refuse to take oath, or, if a person having legal power to make affirmation, refuse to affirm, or shall refuse to give evidence or answer to the best of his knowledge and belief any legal question required of him, he shall for every such default or offence forfeit such sum not exceeding twenty pounds as the justice shall see fit.

229. *Offences on the water, &c., and jurisdiction.* Where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where the officers have any doubt whether such place is within the boundaries or limits of any such county, such offence shall for the purposes of the Customs Acts be deemed and taken to be an offence committed on the high seas; and for the purpose of giving jurisdiction under such Acts every

offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place on land where the offender or persons complained against may be or be brought.

230. *Justices of adjoining county may act when required.* When the attendance of any justice having jurisdiction in the county where the offence is committed cannot be conveniently obtained, any magistrate of any neighbouring or adjoining county to that in which the offence was deemed to have been committed may hear and determine any information exhibited before him, and he shall for that purpose have the same powers and authorities as a justice for the county in which the offence was or was deemed to have been committed.

231. *Justices of counties to have concurrent jurisdiction in cities, boroughs, &c., situate in such counties.* Where any offence against the Customs Acts shall be committed in any city, borough, liberty, division, franchise, or town corporate, any justice having jurisdiction therein, and any justice of any county within which the same is or are situated, shall have jurisdiction to hear and determine the same; and all powers vested in any justice of the peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man or the Channel Islands by any governor, deputy governor, bailiff, chief magistrate, deemster, jurat, or other magistrate of the said isle or islands; and for the purposes of the Customs Acts the jurisdiction of the magistrates of the borough of Gravesend in the county of Kent shall be deemed to extend on the River Thames from Yantlett Creek to Broadness Point in the Northfleet Hope, and shall include every part of the said river between those limits respectively.

232. *Justice may commit in default of payment of penalty until paid.*—Small Penalties Act, 1865, not applicable to Customs. If any penalty incurred for any offence under the Customs Acts be not paid on conviction, the convicting justice shall forthwith commit the offender to any of her Majesty's gaols within his jurisdiction, there to remain for such term as is hereinafter provided, or until the penalty shall be paid; and "The Small Penalties Act, 1865," shall not apply to any penalty imposed by the Customs Acts; and where such party is convicted of any offence for which the punishment of hard labour is inflicted, such justice shall commit such party to any gaol or house of correction, there to be kept to hard labour for such time as may be authorized by the Customs Acts.

233. *Justices may commit in certain cases without order of commissioners.*—When quantity of spirits is less than 5 gallons or of tobacco less than 20 lbs.—Where quantity between 5 and 20 gallons spirits, or from 20 to 80 lbs. tobacco, justices may mitigate.—Above 20 gallons spirits or 80 lbs. tobacco, no mitigation by justices. When any person shall be brought before a justice for any offence against the Customs Acts for which a pecuniary penalty is thereby imposed, if the goods in respect of which he shall have been so brought shall not consist of spirits or tobacco, or being spirits or tobacco shall not exceed five gallons of spirits or twenty pounds weight of tobacco, such justice may proceed summarily upon the case without information or direction of the Commissioners of Customs, and if such person shall be convicted, such justice may adjudge that he shall, in lieu of any other penalty, forfeit a sum not less than the single nor more than the treble value of such goods, including the duty of importation thereof, and in default of payment commit such person to any of her Majesty's gaols for any period not less than fourteen days, nor more than one month; and if such spirits or tobacco shall exceed five gallons but not exceed twenty gallons of spirits or shall exceed twenty pounds weight of tobacco but not exceed eighty pounds weight, such person shall forfeit a sum equal to treble the duty-paid value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and if proceeded against for the latter and convicted, such justice may mitigate the penalty to any sum not less than one-fourth, and in default of payment of the penalty or mitigated penalty so imposed may commit the offender to any of her Majesty's gaols until the same be paid; and if such spirits shall exceed twenty gallons, or such tobacco shall exceed eighty pounds weight, such person shall forfeit a sum equal to treble the value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and shall upon conviction forthwith pay, without any mitigation, the penalty imposed, and in default thereof the said justice shall commit the

person so convicted to any of her Majesty's gaols, there to remain until such penalty shall be paid.

234. *Persons arriving in ships from infected places not to land before examination.*] It shall be lawful for her Majesty in Council, or any two of the lords her Majesty's Privy Council, from time to time, by her or their order, to require that no person on board any ship coming to any port in the United Kingdom, the Channel Island, or the Isle of Man, from or having touched at any place out of the United Kingdom abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of Customs, at such place or places as may from time to time be appointed by the Commissioners of Customs for such purpose, and before permission to land shall have been given by such officer, whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine, and any person so quitting any such vessel shall forfeit a sum not exceeding one hundred pounds; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty; and such penalties or either of them if incurred, and any penalty incurred under the Act of the sixth year of the reign of King George the Fourth, chapter seventy-eight, shall be subject to reduction to any sum not exceeding one hundred pounds, and may be recovered by information and summons before a stipendiary magistrate, or any two justices of the peace, who are hereby authorized to reduce the same accordingly and to commit the offender to prison in default of payment of any penalty so imposed for any period not exceeding six months.

235. *Penalties and forfeitures to be paid to commissioners.*] All penalties and forfeitures recovered, and all sums, including justices' clerks' fees, awarded to be paid as costs to or for her Majesty under this or any other Act relating to the Customs, shall be paid to the Commissioners of Customs, and all penalties, forfeitures, and costs recovered under any Act relating to the Excise shall be paid to the Commissioners of Inland Revenue, or to the persons appointed by such commissioners respectively to receive the same, and such penalties, forfeitures, and costs shall be applied by such commissioners respectively in such manner as the law directs.

236. *Any person committed in default of payment of a penalty less than £100 to be discharged by gaoler in six months if not duly released.*] Where any person shall have been committed to prison by any justice for non-payment of any penalty incurred under the Customs Acts less than one hundred pounds, the gaoler or keeper of such prison is hereby authorized and required to discharge such person at the end of six months from the date of his imprisonment on such committal.

237. *Persons previously convicted may, on verdict, be imprisoned in house of correction.*] When any verdict shall pass or conviction be had against any person for any offence against the Customs Acts and he shall have been adjudged to pay a penalty exceeding one hundred pounds, the presiding judge or justice may, if for a first offence, commit the offender to prison for not less than six nor more than nine months, and if for a subsequent offence, may order that the offender shall, in lieu of payment of the penalty, be imprisoned in gaol or house of correction, with or without hard labour, for a period not less than six nor more than twelve months, and the governor or keeper of such gaol or house of correction is hereby required to receive any person committed under such order.

238. *Justices may commit to nearest house of correction, if none in their jurisdiction.*] When any person shall have been convicted of any offence against the Customs Acts for which such person is liable to be sentenced to hard labour before any justice within whose jurisdiction there is no house of correction, such justice shall and may, by warrant under his hand and seal, commit such offender to the gaol or house of correction, nearest to the place where such offender is convicted; and the governor or keeper of such gaol or house of correction is hereby required to receive such offender and to obey such warrant in all respects, as if such gaol or house of correction was within the jurisdiction of such justice.

239. *Justices may commute hard labour where offender is a female or infirm.*] Where any person shall have been convicted of any offence against the Customs Acts for which such person would be liable to be committed to hard labour, the justice before whom such person is so convicted may, if such person be a female or if a male from physical infirmity incapable of hard labour, order and adjudge that such person shall be imprisoned in any gaol within their jurisdiction without hard labour, stating the cause of mitigation in the warrant of commitment.

240. *If prisoner be found to have been previously convicted, imprisonment may be extended—Married women may be committed.*] When any person shall have been convicted before any justice of any offence against the Customs Acts for which such person is liable to be committed to hard labour, and it shall at any time during the imprisonment of such person be made to appear to the said or any other justice that such person had before been convicted of a similar offence, it shall be lawful for either of such justices, and he is hereby required, to commit such offender to some house of correction to be kept to hard labour for not less than nine nor more than twelve months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly, and without including in such amendment any reference to the former conviction; and any gaoler in whose custody such person shall be is hereby required, upon a written order signed by any justice, to produce such person before such last-mentioned or any other justice having jurisdiction therein; and any married woman convicted of any offence against the Customs Acts may, in default of payment of any penalty incurred by her, be committed to prison.

241. *Subsistence of prisoners committed for offences against Customs Laws.*] The Commissioners of Customs may allow, and to such amount as they shall direct, any expenses incurred by any county, city, borough, liberty, division, franchise, or town corporate, for the subsistence of any person committed to hard labour in any prison in the United Kingdom under the Customs Acts, and may allow for the necessary subsistence of poor persons committed under the Customs Acts for nonpayment of a pecuniary penalty any sum not exceeding sevenpence halfpenny per diem.

242. *Subsistence to prisoners, and gaol fees in Channel Islands.*] The Commissioners of Customs may allow and pay for the necessary subsistence of any poor person confined in any prison in the Channel Islands for any offence under the Customs Acts such weekly or daily sum as by the regulations of the prison in which such poor person may be confined is required for the maintenance of poor insolvent debtors, and also such gaol fees as are properly payable in respect of any prisoner at the suit of the Crown for any such offence.

*As to the removal of proceedings before justices under the Customs Laws.*

243. *Writs of certiorari and habeas corpus not to issue except on affidavit.*] No writ of certiorari shall issue to remove any proceedings before any justice under the Customs Acts, nor shall any writ of habeas corpus or judge's order issue to bring up the body of any person who shall have been convicted before any justice under the Customs Acts, unless the party against whom such proceedings shall have been directed or who shall have been so convicted, or his attorney or agent, shall state by affidavit in writing duly sworn the grounds of objection to such proceedings or conviction; and upon the return to such writ of certiorari or habeas corpus or judge's order no objection shall be entertained by the court other than such as shall have been stated in such affidavit; and any justice shall and may amend any information, conviction, or warrant of commitment for any offence under such Acts at any time, whether before or after conviction.

244. *No writ of habeas corpus or order without notice to solicitor.*] No writ or order shall issue without notice in writing to the Solicitor for the Customs, and no return to any such writ or order shall be considered by the High Court of Justice in England, or by any of her Majesty's courts at Dublin or Edinburgh, or the judges thereof, unless there shall be produced to such court or judge an affidavit in writing duly sworn stating that notice of the issuing of such writ or order was given to the Solicitor of Customs or left at his office four clear days before the return of such writ or order; and with respect to all such writs or orders, there shall be an interval of four clear days at least between the day of issue and the day of

the return thereof, and any such writ or order issuing without notice, or not in conformity with the directions herein contained, shall be void to all intents and purposes.

245. *Prisoners against whom informations are exhibited to be brought up by habeas corpus or judge's order.* Where any person against whom an information shall be exhibited before a justice of the peace under the Customs Acts shall be in prison on any account whatever at the time appointed for the hearing of such information, the Commissioners of Customs shall cause to be obtained and issued out of the Exchequer Division of the High Court of Justice in England, or out of the Court of Exchequer in Scotland or Ireland, as the case may require, a writ of habeas corpus or a judge's order directed to the governor or keeper of the prison in which such person shall be confined, commanding him to convey such person to the place of hearing to be specified in such writ or order, in order that the said person may answer the said information and attend the trial thereof; and such writ of habeas corpus or judge's order shall be issued out of either of the said courts, on application made by the Solicitor for the Customs on behalf of the said Commissioners, to any judge of the High Court of Justice in England, or to any baron or judge of any of the superior courts of law in Scotland and Ireland respectively; and it shall be lawful for the justice or magistrate before whom any such information shall be brought for adjudication to refuse to proceed with the said information in the absence of the person charged, when satisfactory proof shall be made that such person is confined in prison.

*As to justices' clerks' fees in Customs prosecutions.*

246. *Justices' clerks' fees.* The fees payable to justices' clerks in respect of prosecutions under the Customs Acts shall be in accordance with the table of fees to this Act annexed.

*As to proceedings in superior courts for penalties.*

247. *Procedure for penalties.* All suits, prosecutions, or informations for recovery of penalties under the Customs Acts in the High Court of Justice in England or in any of her Majesty's courts of record at Dublin or Edinburgh may be commenced either by writ or subpoena or capias as the first process at the election of the Commissioners of Customs, in which shall be specified the amount of the penalty or penalties sued for, and, if by capias, the person against whom such capias shall issue shall be bound with two sufficient sureties to the party to whom such capias shall be directed to appear in the court out of which such capias shall issue at the day of the return of such writ to answer such information, and shall likewise at the time of such appearing to be bound to her Majesty, her heirs and successors, with two sufficient sureties, or by leave of the court or a judge, more than two, to be acknowledged in the same court, to answer and pay all the penalties so sued for, or such other sum, not exceeding the penalty or penalties sought to be recovered, as the Commissioners of Customs, or the judge upon whose fiat such capias shall issue, may see fit, in case such person shall be convicted thereof, or to yield the body of such person to prison, and in default of being bound by such respective sureties the person against whom such capias shall issue shall be taken to prison.

248. *Service of subpoena.* If in any case the Commissioners of Customs waive the right of issuing writ of capias, and elect to proceed by subpoena, service of a copy of such subpoena, either on the defendant personally or by leaving the same at his last known place of abode or business anywhere in the United Kingdom or on board any ship or vessel to which such defendant may belong or have lately belonged, shall be deemed to be sufficiently served.

249. *Judgment by default for non-appearance or want of plea.* Any person arrested under such capias and imprisoned for want of sufficient bail shall be served with a copy of the information filed against him either personally or by delivery of a true copy thereof to the gaoler, keeper, or turnkey of the prison in which such person shall have been confined; and in default of such person's appearing to such process and pleading to such information for the space of twenty days, to be computed from the date of such service, judgment shall be entered by default; and in case judgment shall be obtained against any such person by default, verdict, or otherwise, and such person shall not pay the sum recovered against him, execution shall thereupon issue, not only against the body of the person so imprisoned as aforesaid, but against all the real and personal estate of such person or any other person in trust for him, for such sum or sums of money so as aforesaid re-

covered against him, together with the costs, poundage, fees, and expenses of execution over and above the sum recovered.

250. *Execution may issue to sheriff of any county without reference to venue.* Every such execution may be directed in the first instance to the sheriff of any county or county of a city or other shrievalty as the party suing out the same may think fit, without reference to the county in which the venue is laid, and without any suggestion of the issuing of any prior writ of execution into such county.

251. *Impoverished persons may sue in forma pauperis.* Where any person so arrested and imprisoned as aforesaid by virtue of any writ of capias shall be disabled by poverty from making defence to any such information, it shall be competent for such person to petition the court on affidavit verifying such disability; and the court, on being satisfied of the truth of the facts alleged in such affidavit, may assign counsel and attorney to such person, and the counsel and attorney so assigned are hereby required to act for such person without fee.

252. *Sheriff to grant special warrant on writ of capias indorsed by Solicitor of Customs.* Every sheriff, mayor, bailiff, and other person accustomed to execute the process of the courts, and every under-sheriff, deputy, or agent of such sheriff, mayor, or bailiff, is hereby required (on the request of the Solicitor of Customs, or of any person acting on his behalf, such request to be indorsed on the back of any writ of capias or other process issuing as aforesaid, and signed by such solicitor or by such other person stating his authority) to grant a special warrant to such persons as shall be named to them by such solicitor or other person for apprehending the person against whom such process shall issue, or in default thereof every such sheriff, mayor, bailiff, under-bailiff, and other person shall be liable to such process of contempt, fines, and penalties as they or any of them are now by any law or custom liable to in case of refusing to execute similar process where the defendant might have been taken thereupon in the usual course of proceeding.

253. *Sheriff indemnified for escape if warrant granted at request of Customs.—Gaoler to receive offender.* Every sheriff, mayor, bailiff, under-sheriff, and other person granting such special warrant shall be indemnified from all liability for the escape of any person who shall be arrested by virtue of such warrant; but when any person so arrested shall be tendered to the gaoler or keeper of the proper prison, he is hereby required to receive every person so arrested and tendered as aforesaid, and give a receipt for his body.

254. *When offenders arrested give bail to the sheriff, bail bond to be assigned to her Majesty.* If, when any person is arrested by writ of capias ad respondendum, the sheriff or other officer shall take bail from such person, such sheriff or other officer, at the request and costs of the Solicitor of Customs or other proper officer, shall assign to her Majesty, her heirs and successors, the bail bond taken from such person, by indorsing and attesting the same under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp, provided the assignment so indorsed be duly stamped before any suit be commenced thereupon, and if such bail bond be forfeited, such process shall thereupon issue as on bonds originally made to her Majesty, her heirs and successors.

*As to prosecution by indictment or information.*

255. *In whose names indictments or suits to be preferred.* All indictments or suits for any offences or the recovery of any penalties or forfeitures under the Customs Acts shall, except in the cases where summary jurisdiction is given to justices, be preferred or commenced in the name of her Majesty's Attorney-General for England or Ireland, or of the Lord Advocate of Scotland, or of some officer of Customs or Inland Revenue.

256. *The Attorney-General or Lord Advocate may enter a nolle prosequi.* In any prosecution for recovery of any fine, penalty, or forfeiture incurred under the Customs Acts, her Majesty's Attorney-General for England, her Majesty's Attorney-General for Ireland, or the Lord Advocate of Scotland, if satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it may be inexpedient to proceed in the said prosecution, may enter a nolle prosequi or otherwise on such information.

257. *Suits, &c., to be exhibited within three years.* All suits, indictments, or informations brought or exhibited for any

offences against the Customs Acts in any court or before any justice, shall be brought or exhibited within three years next after the date of the offence committed.

258. *Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.* Any indictment, prosecution, or information which may be instituted or brought under the direction of the Commissioners of Customs for offences against the Customs Acts shall and may be inquired of, examined, tried, and determined in any county of England when the offence is committed in England, and in any county of Scotland when the offence is committed in Scotland, and in any county in Ireland when the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

*As to proofs in proceedings.*

259. *Defendant's proof in smuggling cases.* If in any prosecution in respect of any goods seized for nonpayment of duties, or any other cause of forfeiture, or for the recovering any penalty or penalties under the Customs Acts, any dispute shall arise whether the duties of Customs have been paid in respect of such goods, or whether the same have been lawfully imported or lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case the proof thereof shall be on the defendant in such prosecution, and where any such proceedings are had in the Exchequer Division of the High Court of Justice on the Revenue side, the defendant shall be competent and compellable to give evidence.

260. *Averments in smuggling cases.* The averment that the Commissioners of Customs or Inland Revenue have directed or elected that any information or proceedings under the Customs Acts shall be instituted, or that any ship or boat is foreign or belonging wholly or in part to her Majesty's subjects, or that any person detained or found on board any ship or boat liable to seizure is or is not a subject of her Majesty, or that any goods thrown overboard, staved, or destroyed were so thrown overboard, staved, or destroyed to prevent seizure, or that any goods thrown overboard, staved, or destroyed during chase by any ship or boat in her Majesty's service, or in the service of the Revenue, were so thrown overboard, staved, or destroyed to avoid seizure, or that any person is an officer of Customs or Excise, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port, or where the offence is committed in any port of the United Kingdom, the naming of such port in any information or proceedings shall be deemed to be sufficient, unless the defendant in any such case shall prove to the contrary.

261. *Viva voce evidence may be given that a party is an officer.*—Witness competent although entitled to part of seizure or recovery. If upon any trial a question shall arise whether any person is an officer of the army, navy, marines, or coastguard duly employed for the prevention of smuggling, or an officer of Customs or Excise, his own evidence thereof or other evidence of his having acted as such, shall be deemed sufficient, without production of his commission or deputation; and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information, on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

262. *What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.* Upon the trial of any issue, or upon any judicial hearing or investigation touching any seizure, penalty, or forfeiture, or other proceeding under the Customs Acts or any Act relating to the Excise, or incident thereto, where it may be necessary to give proof of any order issued by the Commissioners of the Treasury, or by the Commissioners of Customs or Inland Revenue respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of Customs or Excise for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order.

263. *Evidence of condemnation in forfeiture.* Condemnation by any justice under the Customs Laws may be proved in any court of justice, or before any competent tribunal, by

the production of a certificate of such condemnation purporting to be signed by such justice, or an examined copy of the record of such condemnation certified by the clerk to such justice.

*As to claim by owners of goods seized.*

264. *Claim to be in name of bona fide owners.*—*Verified by oath of ownership.* No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any ship or goods seized for any cause of forfeiture in any court or before any justice, unless such claim or appearance be made by or in the real name of the owner or proprietor thereof, describing his place of residence and occupation; and if such claimant shall reside at London, Edinburgh, or Dublin, or within the liberties thereof, oath shall be made by him before one of the judges of the court in which such information is filed, or before any justice before whom such information shall be exhibited, that the said ship or goods were his property at the time of seizure; but if such person shall reside elsewhere, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority for such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at the time of seizure the bona fide property of the claimant, and on failure of making such proof of ownership such ship or goods shall be condemned, as if no claim or appearance had been made.

265. *If goods owned by more than five co-proprietors, law may make the oath.* When any such ship, goods, or other things shall at the time of the seizure thereof be the bona fide property of any number of proprietors exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-proprietors, or to make such oath as aforesaid.

266. *If goods owned by a company or co-partners, oath may be made by public officer or agent.* If any ship, goods, or other things shall at the time of seizure be the property of a joint stock company, or of co-partners carrying on trade in the United Kingdom, such claim and appearance may be entered and oath made by the public officer of such company, or by an agent for such co-partners or by one of them, and every person who shall be convicted of taking a false oath as to the facts hereinbefore required to be sworn to shall be guilty of perjury, and liable to the penalties thereof.

267. *Probable cause may be certified in bar.* When in any information or suit relating to any seizure a verdict or judgment shall be found for the claimant, if it shall appear to the judge or justice before whom the same was heard that there was reasonable or probable cause of seizure, and such judge or justice shall so certify on the record or information, such certificate may be pleaded a bar to any action, indictment, or other proceeding against the seizer; and in case any action, indictment, or other proceeding shall be brought to trial against any person on account of any seizure (whether any information be brought to trial for the condemnation of the same or not), and a verdict shall be given for the plaintiff, if the judge or justice before whom such action, indictment, information, or other proceeding shall be tried or heard shall certify on the record, information, or other written proceedings that there was reasonable or probable cause for seizure, the plaintiff shall not be entitled to more than twopenny damages nor to any costs, nor shall the defendant be fined more than one shilling; and the production of such certificate, or a copy thereof, verified by the signature of the officer of the court, shall be sufficient evidence of such certificate.

*As to actions against officers of Customs.*

268. *One month's notice of action to officer before process.* No action or suit shall be commenced against any officer of the army, navy, marines, coastguard, Customs, Excise, police, or other person acting for or under the direction of the Commissioners of Customs, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall not be entitled to more than ten shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice

shall have been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, or whilst on duty as such officer, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

269. *Evidence limited to subject in notice.* Upon the trial of any action brought in pursuance of such notice the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, in default whereof the defendant shall receive a verdict, with costs, nor shall the plaintiff be at liberty to produce evidence of any cause of action, except such as has been distinctly stated in such notice.

270. *Officer may tender amends.* It shall be lawful for any such officer or other such person to whom such notice shall be given, at any time within one month after service thereof, to tender amends to the plaintiff, or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to "The Common Law Procedure Act, 1852"; and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

271. *Officer omitting to tender amends may pay money into court.* In case any officer or other such person shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the action, to pay into court a sum of money by way of amends, to abide the usual practice in such cases.

272. *Actions against officers to be brought within one month after cause arises.* Every action against any officer of Customs or other such person shall be commenced within one month after the cause of action shall have arisen; but if such action be brought in respect of any seizure made by such officer or other such person, the month shall be computed from the day of seizure, unless it shall within that time become the subject of an information for the condemnation thereof, in which case the cause of action shall not be deemed to have arisen until the day after the trial of such information, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence on the trial thereof; and if the plaintiff shall be nonsuited or discontinue, or if upon a verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for the recovery thereof as any other defendant now has in other cases where costs are legally recoverable.

273. *Solicitors' clerks and officers of Customs may conduct cases.* Any person appointed to be solicitor or assistant-solicitor of her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the Customs, or under the direction of the Commissioners of her Majesty's Treasury or Customs, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor or assistant-solicitor, or clerk, and any officer of Customs, under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct any proceeding before any justice in any matter relating to the Customs to be heard or determined by him.

274. *Defendants in Customs cases to have choice of attorney and counsel in Scotland.* Any writer to the signet, solicitor before the supreme courts in Scotland, or solicitor at law duly licensed to practise as an agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any defendant at the suit of the Crown for any offence against the laws relating to the Customs, shall be competent to undertake the defence of such defendant, and to instruct counsel for that purpose; and any such defendant who may not have retained any such agent shall be entitled to be heard by his counsel on any trial for such offence, although such defendant may have previously appeared to answer such suit in person instead of appearing by agent.

#### AS TO THE APPLICATION OF MONIES FROM SALE, PURCHASE, OR EXCHANGE OF LANDS.

275. *Monies produced by sale of lands to be paid to the Commissioners of Customs.* The monies produced by sales or exchange of any freehold, leasehold, or copyhold lands or tenements bought, sold, or disposed of by, for, or under the direction of the Commissioners of Customs, including the monies already paid by way of deposit for the purchase of any such lands or tenements already contracted to be sold, and the residue of the monies to be received in respect or on account of such contract, shall be paid by the purchaser thereof, or by the person making such exchange, to the Commissioners of Customs for the time being or to such person as they shall appoint to receive the same, in trust for her Majesty, her heirs and successors, for the use of the said Customs; and the receipt of such commissioner or other person as aforesaid for such monies (such receipt to be indorsed on the conveyance, surrender, or assignment) shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

276. *Money for lands of incapacitated persons to be paid into Bank of England.* In all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury, to be paid for the use or possession of lands or hereditaments taken by virtue of the Customs Acts belonging to any persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of the Treasury into the Bank of England, in the name and with the privity of the Paymaster-General on behalf of the Chancery Division of the High Court of Justice, to be placed to his account there in the matter of the particular Act to the credit of the persons claiming to be interested therein, naming them pursuant to the method prescribed by any Act in force for the time being for regulating the payment of money into court; and immediately upon the filing in the Chancery Division of the High Court of Justice of the certificate of such Paymaster-General, with the receipt annexed of the payment into his name as aforesaid of any such money, in conformity with the eighth section of the Act of the twenty-second and twenty-third years of her Majesty's reign, chapter twenty-one, the said lands or hereditaments shall be vested in or to the use of her Majesty, her heirs and successors.

#### AS TO THE ISLE OF MAN.

277. *Isle of Man deemed part of United Kingdom for Customs purposes.* The Isle of Man shall be deemed and taken to be part of the United Kingdom for all the purposes of the Customs Acts; but nothing herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the rights or privileges legally exercised or enjoyed by the said Isle at the time of the passing of this Act.

278. *Goods delivered out of charge of Customs in the Isle of Man not to be brought into Great Britain or Ireland.* Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions. No foreign goods upon which a higher duty is payable on their importation into Great Britain or Ireland than on their importation into the Isle of Man shall, after the same have been cleared and delivered out of charge of the proper officers of Customs for consumption or otherwise in the said Isle, be carried or shipped or be water-borne or be brought to any quay, wharf, or other place to be shipped or water-borne to be carried from the said Isle into Great Britain or Ireland; nor shall any such goods which may be brought to the said Isle, though not cleared and delivered as aforesaid, be removed or carried to be brought or taken from thence into Great Britain or Ireland until the same shall have been duly cleared for that purpose by the proper officer of Customs.

toms, nor (unless reported for removal in the same ship and in continuation of the voyage to some port in Great Britain or Ireland) until sufficient security by bond or otherwise shall have been given in such manner and on such terms and conditions as the Commissioners of Customs may direct, for the due delivery thereof at some port or place in Great Britain or Ireland; and all goods carried, brought, shipped, removed, or water-borne to be shipped, removed, or carried contrary hereto shall be forfeited, and every person who shall carry, ship, bring, remove, or water-bear to be shipped, removed, or carried any goods contrary hereto, or who shall aid or be concerned therein, shall forfeit treble the value of such goods, or the sum of one hundred pounds, at the election of the Commissioners of Customs.

279. *Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.* Any goods the growth of the Isle of Man, or there manufactured from materials the growth of the said Isle, or from materials not subject to duties in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has been subsequently granted, may be brought from the said Isle into Great Britain or Ireland without payment of any duty: Provided always, that any goods may nevertheless be charged with such proportion of such duties as shall fairly counterbalance any duties of Excise payable on the like sort of goods the produce of that part of Great Britain or Ireland into which they shall be brought, or payable upon any of the materials from which such goods are manufactured, and any articles either wholly or in part manufactured in the said Isle from any materials upon which a higher duty is payable upon their importation into Great Britain or Ireland than on their importation into the Isle of Man, may be brought from the said Isle into Great Britain or Ireland on payment of the duty payable on such goods in that part of Great Britain or Ireland into which they shall be so brought.

280. *Declaration and certificate of growth or manufacture of goods from Isle of Man.* Before any goods shall be shipped in the Isle of Man to be carried to Great Britain or Ireland, as the growth or produce of that Isle, or as manufactures of that Isle, from materials the growth and produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duties shall have been paid and not drawn back in Great Britain or Ireland, proof shall be made by the written declaration of some competent person, to the satisfaction of the collector or other proper officer of Customs at the port of shipment, that such goods (describing and identifying them) are of such growth, produce, or manufacture, as the case may be, and in such declaration shall be stated the name of the person by whom such goods are intended to be shipped, and such person at the time of shipping (not being more than one month after the date of such declaration) shall make and subscribe a declaration before such collector or other proper officer that the goods to be shipped are the same as mentioned in such declaration, and thereupon the collector or other proper officer shall, on demand, give to the master of the ship in which the goods are to be exported a certificate of such proof of produce or of manufacture, describing the same, and setting forth the name of the party and of the ship and of the master thereof, and the destination of the goods.

281. *Act not to affect Excise drawback.* Nothing herein contained shall be deemed or construed to affect the laws and regulations now in force respecting duties and drawbacks of Excise on goods removed to the Isle of Man.

282. *Stores of Manx ships.* If any ship or boat bound from the Isle of Man to Great Britain or Ireland shall have on board any stores of spirits, tobacco, or tea for the use of the crew exceeding the quantities specified in the following table, such stores, together with the casks or packages containing the same, and also the ship or boat, shall be forfeited.

TABLE.

	In Ships or Decked Vessels.	In Open Boats.
Spirits for each seaman .	Half-a-gallon ...	One quart.
Tobacco for each seaman	One pound .....	Half-a-pound.
Tea for the whole crew...	Two pounds ...	One pound.

283. *Treasury may restrict imports.* The Commissioners of the Treasury shall and may at any time, if they see fit, by order under their hands, restrict or limit the importation into the Isle of Man of any foreign goods to such quantities per annum and in such manner as they may deem necessary, and also determine into what ports in the Isle of Man and from what places such goods may be imported.

## MISCELLANEOUS MATTERS.

*As to the interpretation of terms used in this Act.*

284. *Interpretation of terms.* For the purposes of this or any other Act relating to the Customs and in construing the same, the following terms, when not inconsistent with the context or subject-matter, shall have the several meanings, and include the several matters and things hereinafter prescribed and assigned to them; that is to say,

"Attorney-General" shall include Solicitor-General, Attorney-General in the Isle of Man, Procureur, or other chief law officer of the Crown in any of her Majesty's possessions abroad where there is no Attorney-General.

"British possession" shall mean and include colony, plantation, island, territory, or settlement belonging to her Majesty.

"Channel Islands" shall mean the islands of Guernsey, Jersey, Alderney, and Sark, and their respective dependencies.

"Commissioners of the Treasury" shall mean the Lords Commissioners of her Majesty's Treasury.

"County" shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction where such construction is not inconsistent with the context.

"Customs Acts" shall mean and include this and all or any other Acts or Act relating to the Customs.

"Exporter of goods for which no bond is required" shall include and apply to the person subscribing the declaration required at the foot of the specification, Forms No. 8 and No. 9, or manifest in lieu thereof, as the case may be.

"Drawback" shall include bounty.

"Gaoler" shall mean and include any governor or keeper of her Majesty's prisons.

"Her Majesty" shall mean her Majesty, her heirs and successors.

"Importer" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.

"Justice" shall mean and include justice of the peace, county court judge, recorder, sheriff depute, governor, deputy-governor, lieutenant-governor, bailiff, chief magistrate, deemster, jurat, and any other magistrate in the United Kingdom and the Channel Islands.

"Master" shall mean the person having or taking the charge or command of any ship.

"Official import lists and official export lists" shall mean any lists which are now or shall from time to time be issued under the authority of the Commissioners of the Treasury or Customs, prescribing the denominations, descriptions, and quantity by tale, weight, measure, value, or otherwise, by which articles of merchandise shall be required to be entered on their importation into or exportation from the United Kingdom.

"Proper officer of Inland Revenue" in the fourth section of the Act of the thirty-seventh and thirty-eighth years of her Majesty's reign shall mean "proper officer of Customs."

"Queen's warehouse" shall mean any place provided by the Crown or approved by the Commissioners of Customs for the deposit of goods for security thereof and of the duties due thereon.

"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

285. *Customs fund available for officers of the United Kingdom, and the Life Assurance Companies Act shall not apply to that fund.* The unrepaid provisions of the Act of the fifty-sixth year of George the Third, chapter seventy-three, shall apply to and be available by and for the benefit of the officers, clerks, and other persons in the department of the Customs in Scotland and Ireland, and their relatives, as fully and amply as if they had been originally mentioned therein, and the Act made applicable to the United Kingdom instead of England only; and the Life Assurance Companies Act

1870, shall not be deemed to apply to the Customs Annuity and Benevolent Fund.

286. *Cards imported not to be sold without a wrapper provided by the Commissioners of Inland Revenue.* In construing section one hundred and fourteen of "The Customs Consolidation Act, 1853," relating to cards, saved from repeal in schedule (A.) to this Act annexed, it shall be read as if section twenty-eight of the Act of the twenty-fifth and twenty-sixth years of her Majesty's reign, chapter twenty-two, were therein referred to and had been originally inserted therein instead of the Act therein mentioned, and the reference in the thirty-sixth section of the above-mentioned Act to "The Customs Consolidation Act, 1853," hereby repealed, shall be deemed to apply to the several clauses of that Act relating to cards as saved in the said schedule and read as hereby directed.

287. *Reciprocity under treaties, &c.* Sections nine, ten, eleven, and twelve of the Act of the eighth and ninth years of her Majesty's reign, chapter ninety, shall, notwithstanding the repeal by this Act of section seventeen of the Act of the twentieth and twenty-first years of her Majesty's reign, chapter sixty-two, be deemed and considered as subsisting and unrepealed.

#### As to repeal of existing Acts.

288. *Acts set forth in schedule (A.) repealed.—Orders, &c., under Acts repealed to be valid.—Commissions, deputations, bonds, &c., to remain in force.—Warrants, orders, and regulations to remain in force.—Ports, bonding place, havens, creeks, &c., to continue.* The several Acts and parts of Acts set forth in schedule (A.) to this Act annexed are hereby repealed, to the extent to which such Acts or parts of Acts are by such schedule expressed to be repealed, except as to anything done before the commencement of this Act, and except so far as relates to any arrears of duty or to any drawback which shall have become due or payable, and except so far as may be necessary for the purpose of supporting or continuing any proceeding heretofore taken or to be taken after the commencement of this Act, and except as to the recovery or application of any penalty for any offence which shall have been committed or any forfeiture which shall have been incurred before the commencement of this Act; and all orders made by her Majesty in Council, all bonds taken or licences granted, and all things done under the authority or in pursuance of any of the Acts hereby repealed, shall nevertheless be valid and effectual; and all commissions, deputations, and appointments granted to any officer of Customs in force at the commencement of this Act shall continue in force as if the same had been granted under the authority of this Act; and all bonds or other securities which shall have been given by or for such officers and their respective sureties for good conduct or otherwise shall remain in force; and all warrants, licences, orders, and regulations made by the Commissioners of the Treasury or the Customs under any Act or Acts relating to the Customs now repealed, shall remain in force until altered, revoked, or rescinded or others made by them in lieu thereof; and all acts done in pursuance of any such orders and regulations shall be and are hereby declared to be valid; and all ports, inland bonding places, havens, creeks, boarding stations, legal quays, sufferance wharves, and warehouses appointed or approved under any of the Acts hereby repealed, shall continue until the appointment or approval thereof shall be annulled, varied, or altered by the said commissioners.

289. *Act to be registered in Royal courts of Guernsey and Jersey.* This Act shall be registered in the Royal courts of the Island of Guernsey and Jersey respectively, and the said Royal courts respectively shall have full power and authority and are hereby required to register the same.

290. *Commencement of Act.* This Act shall come into operation on the day of the passing of this Act, and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Consolidation Act, 1876."

#### SCHEDULES.

##### SCHEDULE (A.) of Acts to be Repealed.

Date of Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 85.	An Act for the Management of the Customs.	Sections 2 and 3.

Date of Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 107.	An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.	The whole Act, except sections 114, 115, and 116, relating to cards; sections 165, 166, 181, 182, 183, 185, 187, and 188, so far as they relate to those of her Majesty's possessions abroad in which other provisions have not been substituted by local Act or ordinance with the sanction of her Majesty; sections 324 to 327 both inclusive, and 329 to 331 both inclusive, relating to reciprocity in commerce, and sections 332, 333, and 335 to 341 both inclusive, and also 343, 344, and 345, relating to the acquisition and disposal of lands.
18 & 19 Vict. c. 96.	The Supplemental Customs Consolidation Act.	The whole Act.
18 & 19 Vict. c. 97.	The Customs Tariff Act, 1855.	The whole Act.
19 & 20 Vict. c. 75.	The Customs Laws and Duties Amendment Act, 1856.	The whole Act, except section 6.
20 Vict. c. 15.	The Customs Duties Amendment Act, 1857.	The whole Act.
20 & 21 Vict. c. 61.	The Customs and Excise Duties Act, 1857.	The whole Act.
20 & 21 Vict. c. 62.	The Customs Amendment Act, 1857.	The whole Act.
21 Vict. c. 12.	The Customs Duties Act, 1858.	The whole Act.
22 & 23 Vict. c. 37.	The Customs Amendment Act, 1859.	The whole Act.
23 Vict. c. 22.	The Customs Tariff Amendment Act, 1860.	The whole Act.
23 & 24 Vict. c. 36.	The Customs Inland Bonding Act, 1856.	The whole Act.
24 Vict. c. 20.	The Customs and Inland Revenue Act, 1861.	So much as relates to Customs.
25 Vict. c. 22.	The Customs and Inland Revenue Act, 1862.	So much as relates to Customs.
26 Vict. c. 22.	The Customs and Inland Revenue Act, 1863.	So much as relates to Customs.
27 Vict. c. 18.	The Customs and Inland Revenue Act, 1864.	So much as relates to Customs.
28 Vict. c. 30.	The Customs and Inland Revenue Act, 1865.	So much as relates to Customs.
28 & 29 Vict. c. 95.	The Sugar Duties and Drawbacks Act, 1865.	The whole Act.
30 Vict. c. 10.	The Sugar Duties Act, 1867.	The whole Act.
30 Vict. c. 23.	The Customs and Inland Revenue Act, 1867.	So much as relates to Customs.
30 & 31 Vict. c. 82.	The Customs Amendment Act, 1867.	The whole Act.
31 Vict. c. 28.	The Customs and Income Tax Act, 1868.	So much as relates to Customs.

Date of Act.	Title of Act.	Extent of Repeal.	Date of Act.	Title of Act.	Extent of Repeal.
32 & 33 Vict. c. 14.	The Customs and Inland Revenue Duties Act, 1869.	So much as relates to Customs.	37 & 38 Vict. c. 16.	The Customs and Inland Revenue Act, 1874.	So much as relates to Customs.
33 Vict. c. 12	The Customs (Isle of Man) Act, 1870.	The whole Act.	<p style="text-align: center;">SCHEDULE (B.) referred to in the foregoing Act</p> <p>Form No. 1.</p> <div style="display: flex; justify-content: space-between;"> <div> <p>Port of</p> </div> <div> <p>Official Number. Number of Register. Date of Registry. If Sailing Vessel or Steamer.</p> </div> </div>		
33 & 34 Vict. c. 32.	The Customs and Inland Revenue Act, 1870.	So much as relates to Customs.			
34 Vict. c. 21	The Customs and Income Tax Act, 1871.	So much as relates to Customs.			
36 Vict. c. 29	The Customs Sugar Duties (Isle of Man) Act, 1873.	The whole Act.			

## REPORT.

Ship's Name.	Tonnage.	British or Foreign ; if British, Port of Registry ; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
Here state the particulars according to the above headings.						
		Total				

**CARGO.**

1.	2.	3.	4.	5.	6.	7.
Name or Names of Places where laden in order of Time.	Marks.	Nos.	Packages and Descriptions of Goods, Particulars of Goods stowed loose, and General Denomination of Contents of each Package of Tobacco, Cigars, or Snuff, intended to be imported at this Port.	Particulars of Packages and Goods (if any) for any other Port in the United Kingdom.	Goods (if any) to be transhipped or to remain on board for Exportation.	Name of Consignee.

Here state the particulars according to the above headings, or if in Ballast, state "in Ballast only."

If any wreck fallen in with or picked up, to be stated.						
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**STORES.**

Surplus stores remaining on board, {  
VIZ. :— ... ..

Number of alien passengers (if any)

Pilot's names ... ..

At what station ship lying ...

Agent's name and address ...

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from \_\_\_\_\_, the last foreign place of loading (except, if so, at \_\_\_\_\_, stating where).

Signed and declared this \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_  
In presence of \_\_\_\_\_, Collector.

Form No. 2.

ENTRY FOR HOME USE.

Whether Prime or Post, and if Post date of

### Prime Entry

Port of Importation

**Dock or Station**

Merchant in whose name the goods are entered

Importer's Name

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings			
Marks.	Numbers.	Number of Packages, quantity and description, and, if a Prime Entry, value of Goods, in accordance with the requirements of the Official Import List.	
Here state the particulars of the goods according to the above headings.			
Total amount of duty payable on this entry, £			
Dated this      day of		187      .	
(Signed)		Importer or his Agent.	

## Form No. 3.

## ENTRY FOR WAREHOUSING.

Port Dock or Station Importer's Name	Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings.				

Marks.	Numbers.	Number of Packages, quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.
Here state the particulars of the goods according to the above headings.		

I enter the above goods to be warehoused at  
Dated this day of , 187 .  
(Signed) , Importer or his Agent.

## Form No. 4.

## ENTRY BY BILL OF SIGHT.

Port Dock or Station Importer's Name	Ship's Name.	Date of Report.	Master's Name.	Port or place from whence.
Here state the particulars according to the above headings.				

Marks.	Numbers.	Number of Packages with the best description the Im- porter is able to give.
State the particulars according to the respective headings given above.		

I, , the importer (or agent to the importer) of the  
goods above mentioned, do hereby declare (if importer) that  
I have not, or (if agent) that, to the best of my knowledge,  
he has not received sufficient invoice, bill of lading, or other  
advice from whence the quality, quantity, or value of the  
goods above mentioned can be ascertained.

Dated this day of , 187 .  
(Signed) , Importer or his Agent.  
(Signed) , Collector or proper Officer  
of Customs.

## Form No. 5.

## ENTRY FOR FREE GOODS.

Port Dock or Station Importer's Name	Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here insert the particulars according to the above headings.				

Marks.	Numbers.	Number of Packages, and quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.
Here state the particulars of the goods according to the above headings.		

I enter the above goods as free of duty, and declare the  
above particulars to be true.

Dated this day of , 187 .  
(Signed) , Importer or his Agent.

## Form No. 6.

## ENTRY OUTWARDS.

Port of	Ship's Name	Tonnage.	Master's Name.	Port of Destination.
If British, Name of Port of her Registry.	If Foreign, Name of Country to which she belongs.			

Lying at (Signed) , Dock or Station,  
(Signed) , Master or Agent.

Date of Entry  
If ship shall have commenced her lading }  
at any other port (name of such port) }

## Form No. 7.

SHIPPING BILL.  
For Drawback Goods.

Ship's Name.	Whether British or Foreign; if Foreign, the Country.	Master's Name.	Port or Place of Destination.

Marks.	Numbers.	Description of Packages.	Quantity, Quality, and Value and Description of Goods.
		Total Number of Packages.	

I claim drawback on { Here state the quantity and descrip-  
tion in words at length of any  
goods in respect of which draw-  
back is claimed.

(Signed)  
adding "exporter" or "agent," as the case may be.  
Station of Clearance  
(Countersigned) , Searcher.  
Dated this day of , 187 .

Form No. 8.  
SPECIFICATION for Foreign Goods free of duty or on which  
all duties have been paid.

Port of Ship's Name		Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and Description of Foreign Goods in accordance with the requirements of the Official Import List.
			Value.

I declare that the particulars set forth above are correctly stated.

(Signed)  
adding "exporter" or "agent," as the case may be.  
Address

Dated , 187 . , Searcher.

Form No. 9.  
SPECIFICATION for British and Irish Goods only.

Port of Ship's Name		Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and Description of British and Irish Goods, in accordance with the requirements of the Official Export List.
			Value.

I declare that the particulars set forth above are correctly stated.

(Signed)  
adding "exporter" or "agent," as the case may be.  
Address

Dated , 187 . ,  
(Countersigned) Searcher or proper Officer.

Form No. 10.

CONTENT.

Port of	Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry. If Foreign, the Country.	Number of Crew.	Name of Master.	With or without Passengers or Troops.

WAREHOUSED, TRANSHIPMENT, DRAWEBACK, AND  
RESTRICTED GOODS.

Marks and Numbers, if any, of Packages.	Number and Description of Packages.
Particulars to be stated according to the above headings.	

Cleared (Signed) . Examined , Searcher.

Dated  
I do declare that the above content is a true account of all goods above described, shipped, and intended to be shipped on board the above-named ship, and correct in all particulars.

(Signed) day of , Master.  
Signed and declared this before me,  
(Signed) , Collector, or proper Officer of Customs.

Form No. 11.

TRANSIRE.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Whither Bound.

Foreign Goods, distinguishing Warehouse Goods removed under Bond.	Quantities of Corn, Grain, Meal, Flour, or Malt.	Goods liable to Duty of Excise or entitled to Drawback thereof.	Here state "Sundry other Goods" or "No other Goods," as the case may be.

(Signed) day of , 187 . , Master.  
Cleared the (Signed) , Collector, or other proper Officer.

SCHEDULE (C.) referred to in the foregoing Act.

FORM OF INFORMATION.

Be it remembered, that A. B., an officer of to wit. Customs, under the direction of the Commissioners of Customs, informs me, , one of her Majesty's justices of the peace in and for the of

COUNT I.

That C. D., to wit, on the day of , 18 , did import, or bring, or unship, or deliver, or carry, or remove, or harbour, or deal with, or was concerned in importing, or unshipping, or delivering, or carrying, or removing, or harbouring, or dealing with to evade the payment of the duties due thereon, or to evade the prohibition or restriction relating to the importation and delivery of certain uncustomed, or prohibited, or restricted goods, to wit [describe them].

COUNT II.

That C. D., to wit, on the day of , 18 , was found, or discovered to have been, on board a ship, or boat, within three leagues of the United Kingdom, or the Channel Islands.

COUNT III.

That C. D., to wit, on the day of , 18 , was found, or discovered to have been, on board a ship, or boat, within a port, or bay, or harbour, or river, or creek of the United Kingdom, or "the Channel Islands" [as the case may be].

COUNT IV.

That C. D., to wit, on the day of , 18 , was found, or discovered to have been, on board a ship, or boat, part of the cargo of which was thrown overboard, or staved, or destroyed, to prevent seizure.

COUNT V.

That C. D., to wit, on the day of , 18 , was found on board, or discovered to have been on board, the ship , being one of her Majesty's ships, or in her

Majesty's employment, or service, or the ship being a foreign post-office packet employed in carrying mails between a foreign country and the United Kingdom [as the case may be].

## COUNT VI.

That C. D. did, to wit, on the day of , 18, make and subscribe a false declaration, or document, purporting to be [here state the nature of the document generally], the same being false and untrue.

## COUNT VII.

That C. D. did, to wit, on the day of , 18, counterfeit, or falsify or wilfully use when counterfeited or falsified [as the case may be], a certain document purporting to be [here state the nature of the document generally].

## COUNT VIII.

That C. D. did, to wit, on the day of , 18, alter a certain document, or instrument, after the same had been officially issued, to wit [here state the nature of the document generally].

## COUNT IX.

That C. D. did, to wit, on the day of , 18, counterfeit the seal, or signature, or initials, or mark, of or used by, an officer of Customs for [here state the purport].

## COUNT X.

That C. D. was, to wit, on the day of , 18, driving or conducting a cart, or wagon, or conveyance, and refused to stop, or to allow the examination thereof, when required in the Queen's name.

## COUNT XI.

That C. D., on the day of , 18, did obstruct , being a person employed for the prevention of smuggling and in the execution of his duty, or was concerned in the rescue of, or in the endeavour to rescue, or in the destruction of, or in the endeavour to destroy, seized goods, or in the rescue of, or endeavour to rescue a person, to wit, one E. F., who had then been apprehended for an offence punishable by fine or imprisonment under the Customs Acts, or prevented or endeavoured to prevent, the apprehension of one E. F., who had been, to wit, on the day of , 18, guilty of an offence punishable by fine or imprisonment under the Customs Acts.

## COUNT XII.

That C. D., to wit, on the day of , 18, denied the possession of certain foreign goods, to wit [here mention generally the goods], which were afterwards found to be, or to have been [as the case may be], in his possession.

## COUNT XIII.

That C. D., a person required by the Customs Acts to answer questions put to him by an officer of the Customs, to wit, on the day of , 18, did untruly answer, or did refuse to answer a certain question put to him by an officer of Customs.

## COUNT XIV.

That C. D., being summoned as a witness, did neglect, or refused, to appear, or and having appeared in obedience to such summons, did refuse to take oath, or affirm, or give evidence, or answer, contrary to section [here insert in figures the section creating the offence] of "The Customs Consolidation Act, 1876," whereby the said C. D. has forfeited the sum of , being treble the value of the goods, or the penalty of one hundred pounds [as the case may be], for which the Commissioners of Customs have elected to sue, or the sum of pounds, or a sum not exceeding one hundred pounds, or a sum not exceeding pounds, or has become liable to be imprisoned [here insert the penalty, or period of imprisonment, imposed by the section under which the offence is charged].

## For Goods only.

That certain goods, to wit [here mention generally the goods or things], were seized on the day of , 18, for being dealt with contrary to section [here insert the section in figures] of "The Customs Consolidation Act, 1876," whereby the said goods have become liable to forfeiture, and that C. D., of , has claimed the same.

Exhibited to and before me, }  
the day of , in }  
the year of our Lord }

[The other forms given in the schedule are—Summons on Information; Summons on Information for Condemnation of Seizures; Summons for Witnesses; Conviction; Commitment for Non-payment of a Pecuniary Penalty; Commitment to Hard Labour; and Condemnation of Seized Goods.]

## TABLE OF FEES.

£ s. d.

Each information with or without oath on application for summons against defendant, or for warrant for apprehension of a defendant, or for a warrant for remand, if already detained	0	2	6
Summons to compel the appearance of a defendant or of a witness	0	2	0
Duplicate thereof	0	1	0
Search warrant	0	2	6
Warrant for apprehension or for remand	0	2	6
Taking examinations or depositions of witnesses, per folio	0	0	8
Copies for Revenue Solicitor, when required by him, per folio	0	0	4
Taking down statement of defendant, if any	0	1	0
Warrant of commitment after conviction or for trial	0	2	6
Copy thereof for Revenue Solicitor if required by him	0	1	0
Each recognizance for a defendant's appearance	0	2	6
Recognizance to prosecute and give evidence when necessary	0	2	6
Recording conviction or acquittal	0	1	0
Engrossing conviction on parchment and filing same when required by Revenue Solicitor	0	6	0

## CAP. XXXVII.

An Act to assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown. [11th August, 1876.]

1. *The Crown not to sue for lands, &c., after 60 years by reason only of same having been in charge.*

2. *The Crown not to sue after 60 years by reason only of the lands, &c., sued for being part of a manor, &c., of which the rents, &c., have been answered to her Majesty, &c.*

3. *Preserving right to reversionary interests.*

4. *Act not to apply to existing suits.*

5. *This Act to be read as one Act with 43 Geo. 3, c. 47.*

## CAP. XXXVIII.

An Act to extend the Limits of Age up to which, with the assent of Boards of Guardians, orphan and deserted pauper Children may be supported out of Workhouses in Ireland. [11th August, 1876.]

## CAP. XXXIX.

An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [11th August, 1876.]

## CAP. XL.

An Act for enabling legally qualified Medical Practitioners to hold certain public Medical Appointments, and for amending the Medical Act. [11th August, 1876.]

## CAP. XLI.

An Act to remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex. [11th August, 1876.]

## CAP. XLII.

An Act to amend the Law respecting certain Returns from Convict Prisons. [11th August, 1876.]

## CAP. XLIII.

An Act to make Provision respecting the Superannuation Allowances or Pensions of Persons employed in the Service of her Majesty in the Government of the Isle of Man. [11th August, 1876.]

## CAP. XLIV.

An Act to amend the Law relating to Legal Practitioners in Ireland. [11th August, 1876.]

Whereas it is expedient to amend the law relating to legal practitioners in Ireland :

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Legal Practitioners (Ireland) Act, 1876."

2. *Amendment of 12 & 13 Vict. c. 53, s. 2.*] The Act specified in the first column of the schedule annexed hereto is hereby repealed to the extent specified in the third column of the said schedule, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceedings taken before the passing of this Act.

It shall be lawful for any judge of any of the superior courts of law and equity to authorize an attorney or solicitor to commence an action or suit for the recovery of his fees, charges, or disbursements, against the party chargeable therewith, and also to refer his bill of fees, charges, and disbursements, and the demand of such attorney and solicitor thereupon, to be taxed and settled by the proper officer of the court in which such reference shall be made, although one month shall not have expired from the delivery of the bill of fees, charges, or disbursements, on proof to the satisfaction of the said judge that there is probable cause for believing that the party chargeable therewith is about to quit Ireland, or to become a bankrupt or a liquidating or compounding debtor, or to take any other steps or do any other act which, in the opinion of the judge, would tend to defeat or delay such attorney or solicitor in obtaining payment.

3. *Power to courts of justice to charge property recovered with payment of costs.*] In every case in which an attorney or solicitor shall be employed to prosecute or defend any suit, matter, or proceeding in any court of justice, it shall be lawful for the court or judge before whom any such suit, matter, or proceeding has been heard, or shall be depending, to declare such attorney or solicitor entitled to a charge upon the property recovered or preserved, and upon such declaration being made such attorney or solicitor shall have a charge upon and against a right to payment out of the property, of whatsoever nature, tenure, or kind the same may be, which shall have been recovered or preserved through the instrumentality of any such attorney or solicitor, for the taxed costs, charges, and expenses of or in reference to such suit, matter, or proceeding; and it shall be lawful for such court or judge to make such order or orders for taxation of and for raising and payment of such costs, charges, and expenses out of the said property as to such court or judge shall appear just and proper; and all conveyances and acts done to defeat or which shall operate to defeat such charge or right shall, unless made to a bona fide purchaser for value without notice, be absolutely void and of no effect as against such charge or right: Provided always, that no such order shall be made by any such court or judge in any case in which the right to recover payment of such costs, charges, and expenses is barred by any Statute of Limitations.

## SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
12 & 13 Vict. c. 53.	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in Ireland.	Section 2, from "Provided also that it shall be lawful for any judge of the superior courts of law and equity" to end of section.

## CAP. XLV.

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.

[11th August, 1876.]

## CAP. XLVI.

An Act for more effectually punishing Offences against the Laws relating to the Slave Trade.

[11th August, 1876.]

1. *Certain offenders on high seas punished as though offence committed in India.*

2. *Sect. 1 may be made to apply to future amendments of this Act.*

3. *Powers of High Court for purpose of obtaining evidence.*

4. *Subjects of certain Indian princes made amenable to certain Orders in Council.*

5. *Saving powers of Governor-General.*

7. *Not to affect orders made under 6 & 7 Vict. c. 94.*

## CAP. XLVII.

An Act to make provision for the Government of the Islands of St. Vincent, Tobago, and Grenada, and their Dependencies. [11th August, 1876.]

## CAP. XLVIII.

An Act to amend the Law with reference to Bankers' Books Evidence. [11th August, 1876.]

Whereas serious inconvenience has been occasioned to bankers and also to the public by reason of the ledgers and other account books having been removed from the banks for the purpose of being produced in legal proceedings :

And whereas it is expedient to facilitate the proof of the transactions recorded in such ledgers and account books :

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as "The Bankers' Books Evidence Act, 1876."

2. *Interpretation clause.*] The word "bank" in this Act shall mean any person or persons, partnership or company, carrying on the business of bankers, and who at the commencement of each year shall have made their return to the Commissioners of Inland Revenue, and any savings bank certified under the Act of 1863.

The words "legal proceedings" in this Act shall include all proceedings, whether preliminary or final, in courts of justice, both criminal and civil, legal and equitable, and shall include all proceedings, whether preliminary or final, by way of arbitration, examination of witnesses, assessment of damages, compensation, or otherwise, in which there is power to administer an oath.

The words "the court" in this Act shall mean the court, judge, magistrate, sheriff, arbitrator, or other person authorized to preside over the said legal proceedings for the time being, and shall include all persons, judges, or officers having jurisdiction and authorised to preside over or to exercise judicial control over the said legal proceedings or the procedure or any steps therein.

The words "a judge of one of the superior courts" shall mean respectively a judge of her Majesty's High Court of Justice in so far as this Act applies to England and Wales, a lord ordinary of the outer house of the Court of Session in Scotland in so far as it applies to Scotland, and a judge of one of the superior courts at Dublin in so far as it applies to Ireland.

3. *Entries in books by affidavit admissible in evidence.*] From and after the commencement of this Act the entries in ledgers, day books, cash books, and other account books of any bank shall be admissible in all legal proceedings as *prima facie* evidence of the matters, transactions, and accounts recorded therein on proof being given by the affidavit in writing of one of the partners, managers, or officers of such bank, or by other evidence that such ledgers, day books, cash books, or other account books are or have been the ordinary books of such bank, and that the said entries have been made in usual and ordinary course of business, and that such books are in or come immediately from the custody or control of such bank. Nothing in this clause contained shall apply to any legal proceeding to which any bank whose ledgers, day books, cash books, and other account books may be required to be produced in evidence shall be a party.

4. *Originals need not be produced.*] Copies of all entries in any ledgers, day books, cash books, or other account books used by any such bank may be proved in all legal proceedings as evidence of such entries without production of the originals, by means of the affidavit of a person who has examined the same, stating the fact of said examination, and that the copies sought to be put in evidence are correct.

5. *Proviso as to notice to parties in a suit.*] Provided always, that no ledger, day book, cash book, or other account book of any such bank, and no copies of entries therein contained, shall be adduced or received in evidence under this Act, unless five days' notice in writing, or such other notice as may be ordered by the court, containing a copy of the entries proposed to be adduced and of the intention to adduce the same in evidence, shall have been given by the party proposing to adduce the same in evidence to the other party or parties to the said legal proceeding, and that such other party or parties is or are at liberty to inspect the original entries and the accounts of which such entries form a part.

6. *Power under order of court to inspect books and take copies.*] On the application of any party to any legal proceedings who has received such notice, a judge of one of the superior courts may order that such party be at liberty to inspect and to take copies of any entry or entries in the ledger, day books, cash books, or other account books of any such bank relating to the matters in question in such legal proceedings, and such orders may be made by such judge at his discretion either with or without summoning before him such bank or the other party or parties to such legal proceedings, and shall be intimated to such bank at least three days before such copies are required.

7. *Judge may order that copies are not admissible.*] On the application of any party to any legal proceedings who has received notice, a judge of one of the superior courts may order that such entries and copies mentioned in the said notice shall not be admissible as evidence of the matters, transactions, and accounts recorded in such ledgers, day books, cash books, and other account books.

8. *Bank not compellable to produce books except in certain cases.*] No bank shall be compellable to produce the ledgers, day books, cash books, or other account books of such bank in any legal proceedings, unless a judge of one of the superior courts specially orders that such ledgers, day books, cash books, or other account books should be produced at such legal proceedings.

9. *Proof as to status of bank.*] The fact of any such bank having duly made their return to the Commissioners of Inland Revenue may be proved in any legal proceedings by production of a copy of such return, verified as having been duly made by the affidavit in writing of one of the partners, or of the manager, or of one of the officers of such bank, or by the production of a copy of a newspaper purporting to contain a copy of such return, published in such newspaper by the said Commissioners of Inland Revenue.

## CAP. XLIX.

An Act to make provision for lighting Burghs in Scotland with Gas. [11th August, 1876.]

## CAP. L.

An Act to amend the Law for the Relief of the Poor in Ireland in respect to rating and chargeability on Poor Law Unions. [11th August, 1876.]

## CAP. LI.

An Act to amend the Acts relating to Cattle Disease in Ireland. [11th August, 1876.]

## CAP. LII.

An Act to amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks. [11th August, 1876.]

1. *Short title.*

2. *Transfer to other officers of certain savings banks.*

3. *Power to charge fee on certificate, award, &c.*

## CAP. LIII.

An Act to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy climates. [11th August, 1876.]

1. *Determination of places to be deemed unhealthy.*

2. *Special rate of pension to person who has served in unhealthy place.*

3. *Orders to be laid before Parliament.*

4. *Commencement of Act.*

5. *Construction and short title.*

6. *Repeal of 38 Vict. c. 4.*

## CAP. LIV.

An Act to provide for the Foundation of a new Bishopric out of a part of the Diocese of Exeter. [11th August, 1876.]

1. *Short title.*

2. *Public contributions for Truro Bishopric Endowment Fund.*

3. *Transfer of endowment from bishopric of Exeter to bishopric of Truro.*

4. *Establishment of bishopric of Truro on provision of sufficient endowment.*

5. *The number of bishops sitting in Parliament not to be increased.*

6. *Appointment of Bishop of Truro.*

7. *Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, officers, archdeacons, and other incidental arrangements for constituting the bishopric of Truro.*

8. *Trusts of Truro Bishopric Endowment Fund.*

9. *Validity and publication of Orders in Council.*

10. *Saving as to service as incumbent or curate in transferred parishes.*

11. *Common fund of commissioners not applicable to endowment.*

## CAP. LV.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [11th August, 1876.]

## CAP. LVI.

An Act for facilitating the Regulation and Improvement of Commons, and for amending the Acts relating to the Inclosure of Commons. [11th August, 1876.]

Whereas by the Inclosure Acts, 1845 to 1868, upon the application and with the consent of such of the persons interested in any common as in the said Acts in that behalf specified, the Inclosure Commissioners are empowered by provisional order under their seal to authorize the inclosure of such common, provided such inclosure is made on such terms and conditions as may appear to the commissioners to be proper for the protection of any public interests, and provided also that the commissioners are of opinion that such inclosure would be expedient, having regard as well to the health, comfort, and convenience of the inhabitants of any cities, towns, villages, or populous places in or near any parish in which the land proposed to be inclosed, or any part thereof, may be situate (hereinafter included under the expression the benefit of the neighbourhood), as to the advantage of the persons interested in the common to which such application relates (hereinafter included under the expression private interests); but such provisional order is of no validity until and unless the commissioners have in a report to be laid before Parliament certified that in their opinion the inclosure of such common, if made on the terms and conditions in their provisional order expressed, would be expedient, having regard to the benefit of the neighbourhood as well as to such private

interests as aforesaid, nor until and unless an Act of Parliament has been passed confirming such order and affirming such certificate as aforesaid, and directing that the proposed inclosure of the common should be proceeded with accordingly:

And whereas by the said Inclosure Acts, information is required to be supplied and inquiries to be made for the purpose of enabling the Inclosure Commissioners to judge of such expediency as aforesaid, but it is desirable to make further provisions for bringing under the notice of the said commissioners and of Parliament any circumstances bearing on the expediency of allowing the inclosure of a common, and that inclosure in severalty as opposed to regulation of commons should not be hereinafter made unless it can be proved to the satisfaction of the said commissioners and of Parliament that such inclosure will be of benefit to the neighbourhood as well as to private interests, and to those who are legally interested in any such commons:

And whereas by the said Inclosure Acts the commissioners are empowered in the case of a common being waste land of a manor to require, and in their provisional order to specify as one of the conditions of inclosure, the appropriation of an allotment for the purposes of exercise and recreation by the inhabitants of the neighbourhood, and also of an allotment for the labouring poor, and it is expedient to give further effect to the provisions relating to the said allotments (in this Act referred to as allotments for recreation grounds and field gardens):

And whereas it is expedient to give further facilities for enabling the Inclosure Commissioners to regulate, improve, stint, and otherwise deal with commons without wholly inclosing and allotting the same in severalty:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as "The Commons Act, 1876."

#### PART I.

#### LAW AS TO THE REGULATION AND INCLOSURE OF COMMONS.

##### *Applications in Relation to Commons.*

2. *Alternative provisional order for regulation or inclosure of commons.*] The Inclosure Commissioners may entertain an application made in manner in this Act mentioned for a provisional order—

(1) For the regulation of a common; or

(2) For the inclosure of a common or parts of a common; Further, an application may be made as respects the same common for the regulation of part of such common, specifying the part to be regulated, and for the inclosure of the residue, and in such case the application shall be dealt with as respects such parts as if they were separate commons, with this exception, that the boundaries as proposed in the application of the part to be regulated and the part to be inclosed may be modified by the provisional order.

The commissioners shall not proceed to carry any application under this Act into effect until it is made to appear to them that the persons making the application represent at least one-third in value of such interests in the common as are proposed to be affected by the provisional order.

3. *"Regulation of commons" includes adjustment of rights and improvement.*] A provisional order for the regulation of a common may provide, generally or otherwise, for the adjustment of rights in respect of such common, and for the improvement of such common, or for either of such purposes, or for any of the things by this Act comprised under the expression "adjustment of rights" or "improvement of a common," or may state that all or any of such subjects are to be provided for in the proceedings subsequent to the confirmation of the provisional order by Parliament.

4. *Explanation of adjustment of rights.*] The adjustment of rights in respect of a common comprises for the purposes of this Act all or any of the following things:

(1) As respects rights of common of pasture in a common, being waste land of a manor—the determination of the persons by whom, the stock by which, and the times at which, such common of pasture is to be exercised;

(2) As respects rights of common of turbary, or taking of estovers, or taking gravel stone, or otherwise interfering with the soil of the common, being waste land of a manor—the determination of the persons by whom, and the mode and place or places in

which, and the times at which such rights are to be exercised, also on compensation made to any person aggrieved, either by grant of a right of equal value, or, with his consent in writing, in money—the restriction, modification, or abolition of all or any of such rights which may permanently injure the common;

(3) As respects rights of common in land which is not waste land of a manor—the stinting or other determination of such rights, and the persons by whom, and the mode in which, and the times at which such rights are to be exercised, as also on compensation made to any person aggrieved, either by grant of a right of equal value, or, with his consent in writing, in money—the restriction, modification, or abolition of all or any of such rights which may be injurious to the general body of the commoners or to the proper cultivation of the land;

(4) As respects any common whether it is or is not waste land of a manor—the determination of the rights and obligations of the lord of the manor, severalty owners, or other person or persons entitled to the soil of such common, as also on compensation made to any person aggrieved, either by grant of a right of equal value, or, with his consent in writing, in money—the restriction, modification, or abolition of all or any of such rights, and in particular in the case of severalty owners of all or any of such rights which may be injurious to the general body of the severalty owners or to the proper cultivation of the land; and

(5) Generally as respects any common, whether it is or is not waste land of a manor—the determination of any rights and settlement of any disputes relating to boundaries, rights in the soil or in the produce of the soil, or otherwise, whether arising between the commoners themselves or between the commoners in relation to the lords of the manors, severalty owners, or other person or persons entitled to the soil of the common, which settlement may be conducive to the interests of all or any class of persons interested in the common.

5. *Explanation of improvement.*] The improvement of a common comprises for the purposes of this Act all or any of the following things; that is to say,

(1) The draining, manuring, or levelling the common; and

(2) The planting trees on parts of such common, or in any other way improving or adding to the beauty of the common; and

(3) The making or causing to be made bye-laws and regulations for the prevention of or protection from nuisances or for keeping order on the common; and

(4) The general management of such common.

(5) The appointment from time to time of conservators of the common for the purposes aforesaid.

6. *Meaning of provisional order for inclosure of commons.*] A provisional order for the inclosure of a common means a provisional order for inclosing the common as provided by the Inclosure Acts, 1845 to 1868, as amended by this Act.

7. *Provisions for the benefit of a neighbourhood applicable alike to orders for regulation and orders for inclosure.*] In any provisional order in relation to a common, the Inclosure Commissioners shall, in considering the expediency of the application, take into consideration the question whether such application will be for the benefit of the neighbourhood, and shall, with a view to such benefit, insert in any such order such of the following terms and conditions (in this Act referred to as statutory provisions for the benefit of the neighbourhood) as are applicable to the case; that is to say,

(1) That free access is to be secured to any particular points of view; and

(2) That particular trees or objects of historical interest are to be preserved; and

(3) That there is to be reserved, where a recreation ground is not set out, a privilege of playing games or of enjoying other species of recreation at such times and in such manner and on such parts of the

common as may be thought suitable, care being taken to cause the least possible injury to the persons interested in the common; and

- (4) That carriage roads, bridle paths, and footpaths over such common are to be set out in such directions as may appear most commodious; and
- (5) That any other specified thing is to be done which may be thought equitable and expedient, regard being had to the benefit of the neighbourhood.

#### Suburban Commons.

8. *Sanitary authorities to be represented in the case of commons in the neighbourhood of towns.* Notice of any application under this Act in relation to a common which is situate either wholly or partly in any town or towns, or within six miles of any town or towns (which common so situate is in this Act referred to as a suburban common), shall be served as soon as may be on the urban sanitary authority or authorities having jurisdiction over such town or towns, and it shall be lawful for the urban sanitary authority of any such town to appear before the assistant-commissioner on the occasion of his holding a local inquiry as in this Act mentioned, and also to appear before the Inclosure Commissioners, and to make to him or them, at any time during the proceedings in relation to obtaining a provisional order under this Act, such representations as they may think fit with respect to the expediency or in expediency of such application, regard being had to the health, comfort, and convenience of the inhabitants of the town over which such authority has jurisdiction, and to propose to him or them such provisions as may appear to such urban sanitary authority to be proper, regard being had as aforesaid.

Any urban sanitary authority entitled to receive notice of an application in relation to a suburban common may, with the sanction of the Inclosure Commissioners, enter into an undertaking to contribute out of their funds for or towards the maintenance of recreation grounds, or of paths or roads, or the doing any other matter or thing for the benefit of their town in relation to the common to which such application relates.

They may also, in relation to any such common, and with such sanction as aforesaid, enter into an undertaking to pay compensation in respect to the rights of commoners, for the purpose of securing greater privileges for the benefit of their town.

An urban sanitary authority may acquire by gift and hold without licence in mortmain on trust for the benefit of their town any suburban common in respect of which they would be entitled to receive notice of any application made to the Inclosure Commissioners in pursuance of this Act, and any rights in such a common.

They may also in the case of any such suburban common purchase and hold as aforesaid, with a view to prevent the extinction of the rights of common, any saleable rights in common or any tenement of a commoner having annexed thereto rights of common.

They may also, with the consent of persons representing at least one-third in value of such interests in a suburban common as aforesaid as are proposed to be affected by the provisional order, make an application to the Inclosure Commissioners for the regulation of such common with a view to the benefit of their town and the improvement of such common.

Where an urban sanitary authority makes an application under this Act with such consent as aforesaid in respect of the regulation of a common, or undertakes to make any contribution or to pay any compensation or make any other payment out of its funds in respect of a common, such urban sanitary authority may, if the Inclosure Commissioners deem it advisable, having regard to the benefit of the neighbourhood as well as to private interests, be invested with such powers of management or other powers as may be expedient.

The expenses incurred by an urban sanitary authority in pursuance of this section may be defrayed out of any rate applicable to the payment of expenses incurred by such authority in the execution of "The Public Health Act, 1875," and not otherwise provided for.

A town for the purposes of this section means any municipal borough, or Improvement Act district, or Local Government district, having a population of not less than five thousand inhabitants.

The population of any town for the purposes of this Act shall be reckoned according to the last published census for the time being, and distances shall be measured in a direct line from the town-hall, or if there shall be no town-hall, then from the cathedral or church, if there shall be only one church, or if there be more churches than one, then from the principal market-place of such town to the nearest point of the suburban common. When part only of a common is situate within the aforesaid distance from a town, such part shall be deemed for the purposes of this section to be a common separate and distinct from the part situated without and beyond such distance.

#### Procedure.

9. *Issue of forms by commissioners.* The Inclosure Commissioners shall from time to time, upon application made by the persons interested in any common, issue in such form as they may deem expedient information and directions as to the mode in which applications for the regulation or inclosure of commons under the Inclosure Acts, 1845 to 1863, as amended by this Act are to be made to the commissioners, with such explanations as they may think fit with respect to the law for the regulation and inclosure of commons, and the persons so interested may apply accordingly in manner directed by the Inclosure Commissioners.

10. *Rules as to application to commissioners.* The following rules shall be observed with respect to an application to the Inclosure Commissioners for a provisional order for the regulation or inclosure of a common; that is to say,

- (1) *Publication of notices of application.* The applicants previously to making their application shall publish, in such manner as the Inclosure Commissioners may from time to time, by general or special order, direct, an advertisement giving notice of their intention to apply for such provisional order, and shall also serve a like notice on any urban sanitary authority entitled under this Act to receive such notice: Provided that such advertisement as aforesaid shall always be inserted in at least one paper circulating in the neighbourhood of the common to which the application relates:
- (2) *Manner of application.* The application shall be in writing, accompanied with a map of the common, or part thereof, and, if for the regulation of a common, shall express whether the applicants propose that all or certain specified provisions only of this Act for the adjustment of rights or improvement of commons should be put in force in relation to such common, and whether to apply to the whole or part of such common, but, subject as aforesaid, an application for the regulation or inclosure of a common shall be in such form and be made in such manner as the Inclosure Commissioners may from time to time direct:
- (3) *Evidence to be furnished in support of application.* On making their application in respect of any common, the applicants shall furnish the Inclosure Commissioners, in answer to questions previously submitted or otherwise in such manner as the said commissioners may from time to time direct, with information bearing on the expediency of the application considered in relation to the benefit of the neighbourhood as well as to private interests:
- (4) *Evidence in relation to benefit of neighbourhood.* The information to be furnished as bearing on the expediency of the application, considered in relation to the benefit of the neighbourhood, shall comprise statements as to the particulars following: that is to say, as to the number and occupation of the inhabitants of the parish or place in which the common is situate; as to the population of the neighbourhood, and the distance of the common from any neighbouring towns and villages; as to the intention of the applicants to propose the adoption of all or any of the statutory provisions as defined by this Act for the benefit of the neighbourhood; as to the circumstance of any ground other than the common to which the application relates being available for the recreation of the neighbourhood; and in the case of a common being waste land of a manor, as to the site, extent, and suitability of the allotments, if any, proposed to be made for recreation grounds and

field gardens, or for either of such purposes; and as to any other matter which in the judgment of the Inclosure Commissioners may assist them in forming an opinion as to whether such application ought to be acceded to, having regard to the benefit of the neighbourhood, and, if acceded to, as to what statutory provisions as defined by this Act ought to be inserted in the provisional order for the benefit of the neighbourhood:

The Inclosure Commissioners shall also require, in the case of an application for inclosure, special information as to the advantages the applicants anticipate to be derivable from the inclosure of a common as compared with the regulation of a common, also the reasons why an inclosure is expedient when viewed in relation to the benefit of the neighbourhood:

- (5) *Evidence in relation to private interests.* The information to be furnished as bearing on the expediency of the application considered in relation to private interests shall comprise statements as to the several particulars following; that is to say, as to the extent and nature of the common to which the application relates; as to the mines, minerals, or valuable strata (if any) under the same; as to the questions of boundary (if any) concerning such common, or such mines, minerals, or strata; as to the parties interested in such common, and the numbers and proportion in value of interest who have consented to or dissented from the application; as to the nature of the rights requiring the intervention of the Inclosure Commissioners or the interference of Parliament; as to the supposed advantages of the application being acceded to; as to (in cases where the interest of any lord of the manor in the soil of a common or in mineral or other rights may be affected by the provisional order applied for) the allotment (if any) or compensation agreed on or proposed to be made to such lord of the manor in respect of his interest so affected; and as to any other matter which in the judgment of the Inclosure Commissioners may assist them in forming an opinion as to whether such application ought to be acceded to, having regard to private interests, and if acceded to as to what provisions ought to be inserted in the provisional order for the protection of private interests:
- (6) *Duty of commissioners on application.* The Inclosure Commissioners shall take into consideration any application made to them as in this Act provided, and if satisfied by the information furnished to them as aforesaid, or by any further inquiries made by themselves or an assistant-commissioner, that a *prima facie* case has been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it is expedient to proceed further in the matter, they shall order a local inquiry to be held by an assistant-commissioner.
11. *Rules as to local inquiry.* The following rules shall be observed with respect to a local inquiry held by order of the Inclosure Commissioners:
- (1) *Inspection and public meeting.* The assistant-commissioner appointed to hold such inquiry shall inspect the common to which the application relates, and shall convene one or more public meetings at a suitable time and place for securing the attendance of the neighbouring inhabitants, and of all persons claiming interest in the common: Provided always, that one at least of such public meetings shall be held in the evening between the hours of seven and ten of the clock.
- (2) *Notice of meeting.* The assistant-commissioner shall give not less than twenty-one days' notice of his intention to hold the first of such meetings.
- (3) *Contents of notice.* The notice shall, in such form as the Inclosure Commissioners from time to time direct, state the nature of the application made, the objects of the meeting, that the meeting is a public one, and held for the purpose of enabling the assistant-commissioner to hear all persons desirous of being heard on the subject-matter of the application, whether considered in relation to the benefit of the neighbourhood or to private interests, and

the desirability of the attendance of all persons interested in the subject-matter of the inquiry.

- (4) *Publication of notice.* The notice shall be given—

- (a) By affixing a copy thereof on the principal door of the church of the parish in which the common to which the application relates, or the greater part thereof, is situate; and
- (b) By posting copies of the same on or near the common to which it relates at the post-office or post-offices of the parish or district in which the common to which the application relates is situate, at any town-hall, or vestry-hall, or other building or room the expense of maintaining which is payable out of any local rate, situate in the parish or district, and at all places therein where notices are usually posted; and
- (c) By advertizing in such manner as the Inclosure Commissioners may direct, or otherwise giving notice of the meetings in such manner as they think best calculated to insure publicity in the locality.
- (5) *Conduct of meeting.* The assistant commissioner shall preside and regulate the proceedings at such meetings, and shall hear all persons desirous of being heard in relation to the subject-matter of the inquiry. He may adjourn any such meeting from time to time, or from place to place, on giving such notice of adjournment as he thinks best calculated to insure publicity.
- (6) *Personal inquiries by assistant-commissioner.* The assistant-commissioner shall also make any inquiries and do any other acts which he may be instructed by the Inclosure Commissioners or may think it advisable to do, for the purpose of enabling the commissioners to judge as to the expediency of making the provisional order applied for, also as to the nature of the provisions to be inserted in any such provisional order if made.
- (7) *Report of assistant-commissioner to Inclosure Commissioners.* The assistant-commissioner shall report in writing to the Inclosure Commissioners the result of the local inquiry, and of the public meeting or meetings held by him (in such form and with such details as the Inclosure Commissioners may from time to time direct), and specially shall report to the Inclosure Commissioners the information obtained by him as to the several particulars in respect of which the applicants for a provisional order are, by this Act, required to furnish information to the Inclosure Commissioners:
- He shall also report the number of persons who attended the meetings held by him, the objections (if any) made to the application, and the suggestions (if any) made in relation to the provisions to be inserted in the provisional order for the benefit of the neighbourhood or for the protection of private interests, and any other circumstances which he may think expedient, with a view to enable the Inclosure Commissioners to judge of the expediency of making the provisional order, having regard as aforesaid, and also, if the order be made, of the provisions to be inserted therein:
- (8) *Map to accompany report.* The report shall be accompanied by an outline or other map on such scale and of such a description as may be directed by the Inclosure Commissioners, with a sketch in the case of an inclosure of a common being waste of land of a manor, of the allotments (if any) proposed to be made for recreation grounds and field gardens, or for either of such purposes.
12. *Rules as to provisional orders.* The following rules shall be observed with respect to provisional orders to be made by the Inclosure Commissioners; that is to say:
- (1) *Draft provisional order to be framed.* The Inclosure Commissioners, if satisfied by the report of the assistant-commissioner or by further inquiries to be made by themselves or an assistant-commissioner, that, having regard to the benefit of the neighbourhood as well as to private interests, it is expedient to proceed further in the matter, shall frame, in such form and with such provisions as they, having regard as aforesaid, may think expedient, and as are com-

sistent with law and the description of provisional order applied for, a draft provisional order for the consideration of the persons interested in the common, specifying, if such application is for the regulation of a common, whether all or any one or more of the provisions of this Act for the adjustment of rights and the improvement of a common are to be put in force:

- (2) *Provisions for benefit of neighbourhood.* With respect to provisions for the benefit of the neighbourhood, there shall be inserted in such draft provisional order all such of the statutory provisions as defined by this Act for the benefit of the neighbourhood as are applicable to the case; also, if the order is an inclosure order in the case of a common being waste land of a manor, the quantity and situation of the allotments (if any) to be made for recreation grounds and field gardens:
- (3) *Provision for protection of private interests.* With respect to private interests, there shall be inserted in such draft provisional order, (1) where the interest of any lord of the manor in the soil of a common or in mineral or other rights may be affected by the order, a statement of the allotment (if any) or other compensation to be allotted or made to the lord of such manor in respect of his interest so affected; and (2) where there is any mineral property or other rights in relation thereto belonging to persons other than the lord of the manor which may be affected by the order, such provisions and reservations as are required to be inserted by the Inclosure Acts, 1845 to 1868, or as may appear to the Inclosure Commissioners proper to be inserted; also, if there are any other rights which appear to the commissioners proper to be specially provided for or to be excepted from the operation of the order, there shall be specified the provisions or exceptions to be made in that behalf.
- (4) *Deposit of draft order for consideration of parties interested.* As soon as may be after making their draft provisional order, the Inclosure Commissioners shall cause a copy thereof to be deposited in the parish or parishes in which the common is situate to which such order relates, in order that the same may be considered by the parties interested therein, and they shall give notice, in such manner as they think best calculated to secure publicity, of such deposit having been made, and of their intention to certify the expediency of such order if the necessary consents are obtained thereto:
- (5) *Consents before provisional order certified to be expedient.* The Inclosure Commissioners shall not certify the expediency of a draft provisional order unless they are satisfied that persons representing at least two-thirds in value of such interests in the common as are affected by the order consent thereto; and when the common to which the order relates is the waste land of any manor, or land within any manor to the soil of which the lord of such manor is entitled in right of his manor, then, unless there is more than one person interested in such manor according to the definition of "The Inclosure Act, 1845," the commissioners shall not certify the expediency of the same, unless the person interested in the common in right of such manor, or his substitute under the said Inclosure Act, 1845, consent to such order; and where there is more than one person interested in such manor the commissioners shall not certify the expediency of the order, in case such persons or the majority of such persons in respect of interest signify their dissent within a time to be limited by the commissioners:
- (6) *Reservation in favour of freemen interested in common.* Where the freemen, burgesses, or inhabitant householders of any city, borough, or town are entitled to rights of common or other interest in the common to which the draft provisional order relates, the Inclosure Commissioners shall not certify the expediency of such order unless it appears to the commissioners that two-thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough, or town, or within seven miles thereof, or of such inhabitant householders, as the case may

be, have consented to the order; and in case two-thirds in number of such resident freemen and burgesses, or of such inhabitant householders, have so consented, such consent shall be deemed the consent of the class of freemen, burgesses, or inhabitant householders, as the case may be, so entitled:

- (7) *Means of obtaining consents.* The Inclosure Commissioners may cause a meeting or meetings to be held by an assistant-commissioner for the purpose of obtaining the necessary consents, or of ascertaining the interests of consenting or dissenting parties, or they may cause such consents or dissents to be ascertained in such other manner as they may think fit:
- (8) *Power to modify provisional order before expediency certified.* The Inclosure Commissioners may, at any time before certifying the expediency of a draft provisional order, modify the same of their own mere motion, or on the suggestion of any parties interested, but such modifications shall not be of any validity unless they are consented to in the same manner as if they formed part of the draft provisional order originally deposited by the commissioners:
- (9) *Certificate of expediency of provisional order.* When the necessary consents have been obtained to any draft provisional order as originally deposited, or as modified in pursuance of this Act, such order shall be deemed to be final; and the Inclosure Commissioners shall, in a report or reports to be made from time to time, as respects each provisional order which has become final as aforesaid, certify that it is expedient that such provisional order should be confirmed by Parliament, together with their reasons for certifying such expediency, and specially, as respects each provisional order, they shall, in such manner as they think best adapted to enable Parliament to judge of the expediency of such order, state the information furnished to them as to the several particulars in respect of which the applicants for a provisional order are by this Act required to furnish information to the commissioners; also the result of the local inquiry, and of the number and description of the persons who attended the meetings held during such inquiry, and the nature of the objections (if any) made to the application, and the suggestions (if any) made in relation to the provisions to be inserted for the benefit of the neighbourhood or for the protection of private interests by the persons so attending, and any other circumstances which the commissioners may think it expedient to state for such purposes as aforesaid:
- (10) *Confirmation of provisional order.* Every report made by the Inclosure Commissioners certifying the expediency of any provisional order under this Act shall be presented to Parliament, and if at any time thereafter it is enacted by Act of Parliament that any order for the regulation or inclosure of a common, the expediency of which has been so certified by the commissioners, shall be confirmed, the regulation or inclosure of any common to which any such order relates shall be proceeded with and completed according to the terms of the provisional order relating to such common, and to the provisions of the Inclosure Acts, 1845 to 1868, as amended by this Act, and an Act of Parliament containing such enactments as aforesaid shall be deemed to be a public general Act, but a provisional order, until such Act of Parliament as aforesaid has been passed in relation thereto, shall not be of any validity whatever:
- (11) *Supplemental power to modify provisional order after expediency certified.* If, after the presentation to Parliament of a report made by the Inclosure Commissioners certifying the expediency of any provisional order for the regulation or inclosure of a common, and before a Bill has been brought in for the confirmation of such order, such report is referred to a committee of either House of Parliament for consideration, and such committee recommend that such provisional order should not be confirmed by Parliament except subject to certain modifications, the Inclosure Commissioners may modify the provisional order accordingly, but such modifications

shall not be of any validity unless they are consented to in the same manner as if they had formed part of the draft provisional order originally deposited by the commissioners:

And it shall be the duty of the commissioners to take the necessary steps for ascertaining whether such consent as aforesaid can be obtained or not, and if such consent be obtained, the commissioners shall make a special report to the effect that the order has been modified as aforesaid and such consent duly obtained, and such report shall be presented to Parliament; and thereupon the order so modified shall be deemed to be in the same position in all respects as if it were an order in respect of which a report had been made by the commissioners certifying the expediency thereof, and such report had been presented to Parliament.

13. *Partial application of procedure under Inclosure Acts.* The Inclosure Commissioners may insert in any provisional order for the regulation of a common any provisions they may deem necessary for the purpose of carrying such order into effect; but, subject as aforesaid, when an Act of Parliament has been passed as aforesaid, enacting that the regulation of a common shall be proceeded with, the subsequent proceedings for carrying into effect the regulation of such common shall be the same, so far as is practicable, as they would be in case such common were to be inclosed instead of being regulated, and the provisions of the Inclosure Acts, 1845 to 1868, as amended by this Act, shall apply accordingly.

14. *Power to raise money for improvement of common.* A provisional order for the regulation of a common may provide for the raising from time to time by such persons interested in the common, and for such amounts as the commissioners think fit, of money to be applied towards the improvement or protection of such common, either by means of rates to be levied on the persons and in respect of the property who and which respectively will be benefited or principally benefited by such improvement or regulation, or by means of the sale of any outlying or other small portion not exceeding in the whole one-fortieth part of the total area of such common.

#### *Supplemental Provisions.*

15. *Owners may make bye-laws.* The majority in value of the owners of skirts or rights of pasture in any regulated pasture created under the provisions of "The General Inclosure Act, 1845," in addition to the powers they now possess, are hereby authorized at any annual meeting for the election of field reeves to make bye-laws and regulations for the protection of or protection from nuisances or for keeping order on the regulated pasture, and for general management, occupation, and enjoyment of the regulated pasture, provided the consent of the lord of the manor is given to such bye-laws.

16. *Provision as to bye-laws.* Any bye-law made in pursuance of this Act, and any alteration made therein, and any revocation of a bye-law, shall not be of any validity until it has been confirmed by one of her Majesty's principal Secretaries of State.

Pecuniary penalties (to be recovered summarily before any two justices) may be imposed by any such bye-laws on persons breaking the same, provided that no penalty exceeds for any one offence the sum of forty shillings.

17. *Notice of application for confirmation of bye-laws.* No such confirmation shall take place unless notice of the intention to apply therefor, stating the effect of this section, has been published by the conservators one month at least before the application.

During one month at least before the application a copy of every bye-law, the making, alteration, or revocation of which is submitted for confirmation, shall be kept at the office of the person or body of persons making, altering, or revoking such bye-law open for inspection by persons interested, and such person or body of persons shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding one shilling for each copy.

18. *Provision as to certain expenses under order for regulation of a common.* Subject to the terms of the provisional order the amount of any compensation to be paid for any restriction, modification, or abolition of rights in pursuance of

an order for the regulation of a common shall be deemed to be expenses of and incidental to the regulation of the common, and may be defrayed accordingly.

19. *Definition of power of Charity Commissioners in certain cases.* Whereas by several awards made under the authority of Inclosure Acts prior to the year one thousand eight hundred and forty-five, fuel allotments for the poor have been set out and awarded, and vested in divers persons and bodies of persons as trustees of such allotments:

And whereas under the provisions of the Inclosure Acts, 1845 to 1868, and the several Acts of Parliament and awards made thereunder, allotments for recreation grounds and field gardens have been set out and awarded to the churchwardens and overseers of parishes and other persons:

And whereas power exists or is claimed, under divers Acts of Parliament, to divert such allotments from the uses declared by Parliament respecting the same: Be it enacted, that after the passing of this Act, notwithstanding anything in any other Act contained, it shall not be lawful (save as hereinafter mentioned) to authorize the use of or to use any such allotment, or any part thereof, for any other purpose than those declared concerning the same by the Act of Parliament and award, or either of them, under which the same has been set out: Provided, that it shall be lawful for the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction under the Charitable Trusts Acts, upon the application of the trustees of any fuel allotment, to authorize the use of such fuel allotment as a recreation ground and field gardens, or for either of those purposes, and to make an order under the provisions of "The Charitable Trusts Act, 1860," for the establishment of a scheme for the administration of such fuel allotment accordingly; and provided that it shall be lawful for the said Charity Commissioners, on such application as aforesaid, to authorize the exchange of any fuel allotment, or any part thereof, for land of equal value situate within the parish or district for the benefit of the poor of which such allotment was set out, if the commissioners are of opinion that by means of such exchange land better suited for the purpose for which such allotment was set out will be obtained.

20. *Gravel digging.* After the passing of this Act, where any common is regulated pursuant to this Act by a provisional order of the Inclosure Commissioners confirmed by Parliament, or is the subject of a scheme confirmed by Parliament under the provisions of "The Metropolitan Commons Act, 1866," or "The Metropolitan Commons Amendment Act, 1869," or (being situate within the metropolitan police district) is the subject of any private or local Act of Parliament having for its object the preservation of such common as an open space, no surveyor of highways or highway board constituted in pursuance of the Highway Acts, or trustees of any turnpike road, shall search for, dig, get, or carry away gravel, sand, stone, or other materials in or from any part of such common which has not been set apart for that purpose with the sanction of Parliament, without the consent of the person or persons having the regulation or management of the same, or in default of such consent, without an order of two or more justices in petty sessions assembled, and acting in and for the petty sessional division in which such common is situate, who may in their order prescribe such conditions as to mode of working and restitution of the surface as to them shall seem expedient.

#### PART II.

##### AMENDMENT OF THE INCLOSURE ACTS.

##### *Field Gardens and Recreation Grounds.*

21. *Expenses of clearing, draining, and fencing field gardens.* Whereas it is expedient that the expenses of clearing any allotments made for field gardens may be included in the expenses of an inclosure: Be it enacted, that the valuer shall, unless the Inclosure Commissioners otherwise direct, cause every allotment made for a field garden to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section shall be paid as part of the general expenses of the inclosure.

22. *Substituted allotments for recreation grounds and field gardens.* The provisions of the Inclosure Acts, 1845 to 1868, which authorize the Inclosure Commissioners to allow an equal quantity of the land proposed to be inclosed to be allotted for the purpose of a recreation ground or field garden, or for any other public purpose, in lieu of that directed to be allotted by

any provisional order, shall extend to authorize them to allow the allotment of land of equal value although it may not be of equal quantity.

23. *Situation of allotments for recreation grounds and field gardens.*] Every allotment made for the purpose of a recreation ground or field garden shall be in such part of the land proposed to be inclosed as is best suited for the purpose for which it is appropriated, and where any land proposed to be inclosed consists partly of common being waste land of a manor (in this section referred to as the first-mentioned land), and partly of common not being waste land of a manor (in this section referred to as the second-mentioned land), and the commissioners are satisfied that it would be advantageous that the allotment for a recreation ground or a field garden, or any part thereof, should be made out of the second-mentioned land instead of out of the first-mentioned land, the commissioners may, in the provisional order relating to such land, specify as one of the terms and conditions of the inclosure thereof that the said allotments or the said part thereof shall be made accordingly out of the second-mentioned land, and shall out of the first-mentioned land allot land of equal value by way of exchange to the persons interested in the second-mentioned land.

24. *Field gardens to be free of rent-charge.*] There shall be repealed so much of the Inclosure Acts, 1845 to 1863, as relates to the charging of an allotment made for the purpose of a field garden with a rent-charge, and every such allotment made after the passing of this Act shall be made free of any such rent-charge.

25. *Allotments for recreation grounds to be vested in churchwardens and overseers.*] There shall be repealed so much of the Inclosure Acts, 1845 to 1863, as provides that an allotment made for the purpose of a recreation ground may be allotted to any person entitled to an allotment under the inclosure, and every such allotment made after the passing of this Act shall be vested in the churchwardens and overseers for the time being of the parish in which the same shall be situate, and shall be held by them as provided by the Inclosure Acts, 1845 to 1863.

26. *Amendment of law as to letting field gardens.*] Whereas by "The Inclosure Act, 1845," allotment wardens are required to let the allotments under their management to the poor inhabitants of the parish in gardens not exceeding a quarter of an acre, and are further required to demand in respect of such letting, a rent not below the full yearly value of the land to be ascertained in manner in the said Act mentioned; and whereas it is expedient to amend the said provisions: Be it enacted that allotment wardens, if they are unable to let the allotments under their management, or any portion thereof, to the poor inhabitants of the parish in gardens not exceeding a quarter of an acre, may let the same, or any unlet portion thereof, in gardens not exceeding an acre each to such inhabitants as aforesaid: Further, it shall be the duty of allotment wardens to offer the gardens under their management to the poor inhabitants of the parish at a fair agricultural rent, if from time to time sufficient to satisfy all rates, taxes, tithes, tithe rent-charge, and the rent-charge charged on the said allotments under the provisions of "The General Inclosure Act, 1845," but not otherwise, instead of at such rent as is required by the said Act. Moreover, if in any parish the allotment wardens are unable to let the allotments under their management, or any portion thereof, to the poor inhabitants of the parish in such quantities and at such rents as aforesaid, they may let the same, or such portion as may be unlet, to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable the allotment wardens to resume possession thereof within a period not exceeding twelve months, if it should at any time be required for such poor inhabitants as aforesaid.

This section shall apply to all land allotted to the poor for the purpose of cultivation under any Inclosure Act whatever, whether public or private, whether under the management of allotment wardens, feoffees, trustees, rector, or vicar and churchwardens, overseers, managers, or any other person or persons whatever, and whether at present cultivated or uncultivated, so that all such persons as aforesaid shall have like powers and duties as are hereinbefore given to and imposed upon allotment wardens.

27. *Application of surplus rents of recreation grounds and field gardens.*] Whereas by section seventy-three of "The Inclosure Act, 1845," the surplus rents arising from recreation grounds are applicable in aid of the rates for the repair of the public highways in the parish or respective parishes in which the said grounds are situate, and by section one hundred and twelve of the same Act the surplus rents arising from field gardens are payable to the overseers of the poor in aid of the poor rates of the parish: And whereas it is expedient to amend the said provisions: Be it enacted, that the surplus rents arising from recreation grounds shall from and after the passing of this Act cease to be applied in manner provided by the said seventy-third section, and shall be applied to all or any of the following purposes, and to no other purpose; that is to say, in improving the recreation grounds or any of them in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for recreation grounds in the same parish or neighbourhood; and the surplus rents arising from field gardens shall from and after the passing of this Act, cease to be applied in manner provided by the said one hundred and twelfth section, and shall be applied to all or any of the following purposes, and to no other purpose; that is to say, in improving the field gardens or any of them in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for field gardens in the same parish or neighbourhood.

The trustees of any recreation ground and the allotment wardens of any field gardens may, with the approval of the Inclosure Commissioners, sell all or any part of the allotment vested in them, and out of the proceeds of such sale purchase any fit and suitable land in the same parish or neighbourhood: Provided, that the land so purchased shall be held in trust for the purposes for which the allotment so sold as aforesaid was allotted, and for no others; and provided, that the Inclosure Commissioners shall not sanction any such sale as aforesaid unless and until it shall be proved to their satisfaction that land more suitable for the purposes for which the allotment proposed to be sold was allotted may and will be forthwith purchased; and the proceeds of any such sale shall be paid to the Inclosure Commissioners, and shall remain in their hands until such purchase of other land as aforesaid.

28. *Reports to be made by managers of recreation grounds and field gardens.*] The trustees of recreation grounds, where such trustees are the overseers or churchwardens of a parish, and the allotment wardens of field gardens shall, from time to time, and at such intervals of not less than three years nor more than five years, as the Inclosure Commissioners direct, make such reports to the said commissioners in respect of the recreation grounds and field gardens under their management, with such particulars of the rents received by them, as the commissioners may require.

29. *Amendment of law as to town and village greens.*] Whereas by "The Inclosure Act, 1857," provision is made for the protection of town and village greens, and recreation grounds, and it is expedient to amend such provision: Be it enacted as follows, that is to say, an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the said Inclosure Act, 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.

This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.

30. *Jurisdiction of county court in respect of illegal inclosures.*] A county court within whose jurisdiction any common or part of a common is situate shall have jurisdiction to hear any case relating to any illegal inclosure or encroachment of or upon such common or part of a common respectively made after the passing of this Act, or to any nuisance impeding the exercise of any right of common arising after the passing of this Act, and to grant an in-

junction against such inclosure, encroachment, or nuisance, or to make an order for the removal or abatement of such inclosure, encroachment, or nuisance.

Any person aggrieved by any injunction granted or order made or refusal to grant an injunction or make an order by a county court in pursuance of this section may, on giving security for costs to the satisfaction of the county court, appeal to the High Court of Justice in a summary manner, or by special case or otherwise, as may be prescribed by rules of court to be made by the Supreme Court of Judicature in manner provided by the seventeenth section of "The Supreme Court of Judicature Act, 1875."

The appellate court may on hearing the appeal reverse, modify, or confirm the injunction or order complained of, or remit the case to the county court from which the appeal lay, with instructions to deal with the case according to the directions given by the appellate court.

Where an appeal is lodged against the order of a county court directing the removal or abatement of any inclosure, encroachment, or nuisance, such order shall be suspended during such time as such appeal is pending.

Nothing in this Act contained shall abridge or interfere with any existing right of abating or otherwise preventing any illegal inclosure of or encroachment on any common, or any nuisance interfering with any right of common.

Until rules of court are made for the purposes of this section, an appeal may be had from the decision of any county court under this section in the same manner in which an appeal from the decision of a county court may be had in a case within its ordinary jurisdiction.

31. *Three months' notice of claim to inclose to be given in the local papers.* Any person intending to inclose or approve a common or part of a common otherwise than under the provisions of this Act shall give notice to all persons claiming any legal right in such common or part of a common, by publishing, at least three months beforehand, a statement of his intention to make such inclosure, for three successive times, and in two or more of the principal local newspapers in the county, town, or district in which the common or part of a common proposed to be inclosed is situate; but the provisions of this section shall not apply to any commons or waste lands whereon the rights of common are vested solely in the lord of the manor.

A production of a newspaper containing such advertisement as aforesaid shall be evidence of the same having been issued, and the inclosure shall, until the contrary is proved, be deemed to have taken place at the time specified in such advertisement.

32. *Appointment of valuer to be confirmed by commissioners.* An appointment of a valuer after the passing of this Act shall not be valid until it has been confirmed by the commissioners. The commissioners may disapprove of a valuer on the ground of his incompetency, interest, want of impartiality, or any reasonable cause, and where they so disapprove of a valuer may call a meeting, and a meeting may be held to appoint, and another person appointed (subject to the approval of the commissioners) to be valuer in like manner as if no previous meeting had been held and no valuer had been previously appointed, and so on until a valuer approved by the commissioners is appointed.

#### General Amendment.

33. *Extension of sec. 105 of "The Inclosure Act, 1845," as to exchanges and partitions.* The provisions of section one hundred and five of "The Inclosure Act, 1845," relating to the validity after confirmation of an award of inclosure of the exchanges, and partitions set forth in such award, shall apply to orders of exchange, partition, and division of intermixed lands carried into effect in pursuance of the Inclosure Acts, 1845 to 1863, by separate orders, and not included in an award of inclosure.

#### PART III. Miscellaneous.

34. *Repeal of certain parts of "The Inclosure Act, 1845," and amendment of law as to reports.* There shall be repealed so much of section thirty of "The Inclosure Act, 1845," as prescribes a limit to the quantity of land to be allotted to recreation grounds; also the twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh sections of "The Inclosure Act, 1845," and the Inclosure Commissioners shall not be required to repeat, in their general annual report, any of

the particulars in relation to the regulation or inclosure of commons which they may have stated in any other reports made by them in pursuance of this Act in relation to such commons, but they may refer to such other reports, or give a summary thereof, or otherwise deal with the same as may be thought expedient.

35. *Act not to apply to metropolitan commons.* This Act, save as herein expressly provided, shall not apply to any metropolitan common within the meaning of the Metropolitan Commons Act, 1866 and 1869.

36. *A common regulated under Act not to be inclosed without sanction of Parliament.* Where an Act of Parliament has been passed confirming a provisional order under this Act for the regulation of a common, then, subject to and without prejudice to the provisions of that order, such common shall not, nor shall any part thereof, be inclosed without the sanction of Parliament subsequently obtained.

#### Definitions.

37. *Definitions.* In this Act, unless the context otherwise requires—

"A common" means any land subject to be inclosed under the Inclosure Acts, 1845 to 1863 :

"Waste land of a manor" means and includes any land consisting of waste land of any manor on which the tenants of such manor have rights of common, or of any land subject to any rights of common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year, and are not limited by number or stints :

"Person" includes a body corporate :

"Inclosure Acts, 1845 to 1863," means the Acts mentioned in the schedule hereto, and each of the Acts mentioned in the said schedule may be cited by the short title in such schedule in that behalf mentioned ; and the above-mentioned Acts together with this Act may be cited as "The Inclosure Acts, 1845 to 1876" :

"Municipal borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intitled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same :

"Improvement Act district" means any area subject to the jurisdiction of any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town :

"Local Government district" has the same meaning as it has in "The Public Health Act, 1875."

Year and Chapter.	Title.	Short Title.
8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands ; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	The Inclosure Act, 1845.
9 & 10 Vict. c. 70.	An Act to amend the Act to facilitate the inclosure and improvement of commons.	The Inclosure Act, 1846.
10 & 11 Vict. c. 111.	An Act to extend the provisions of the Act for the inclosure and improvement of commons.	The Inclosure Act, 1847.

Year and Chapter.	Title.	Short Title.
11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	The Inclosure Act, 1848.
12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	The Inclosure Act, 1849.
14 & 15 Vict. c. 53.	An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts.	The Inclosure Commissioners Act, 1851.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1852.
17 & 18 Vict. c. 97.	An Act to amend and extend the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1854.
20 & 21 Vict. c. 31.	An Act to explain and amend Inclosure Acts.	The Inclosure Act, 1857.
22 & 23 Vict. c. 43.	An Act to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1859.
31 & 32 Vict. c. 89.	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land, and to make provision towards the expense of the Copyhold Inclosure and Tithe Office.	The Inclosure, &c., Expenses Act, 1868.

## CAP. LVII.

An Act to amend the Law respecting the holding of Winter Assizes. [11th August, 1876]

Whereas it is usual to hold winter assizes in some counties, and not to hold them in other counties in which there are but few prisoners awaiting trial, and it is expedient to provide for the more speedy trial of such last-mentioned prisoners:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Winter Assizes Act, 1876."

2. *Power by Order in Council to unite counties for purpose of winter assizes.*] Where it appears to her Majesty that by reason of the small number of prisoners or otherwise it is usually inexpedient to hold separate winter assizes for any county, it shall be lawful for her Majesty by Order in Council from time to time to provide in such manner and subject to such regulations as to her Majesty may seem meet for all or any of the following matters:

- (1) For uniting such county for the purpose of winter assizes to any neighbouring county or counties; and
- (2) For the appointment of the place or places at which winter assizes are to be held for such united counties, with power to direct that they shall be held at different places in different years; and
- (3) For the jurisdiction of the court and the attendance, jurisdiction, authority, and duty of sheriffs, gaolers, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any com-

missions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, inquisitions, and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may seem to her Majesty necessary for carrying into effect an Order in Council under this Act; and

- (4) For any matters which appear to her Majesty to be necessary or proper for carrying into effect an Order in Council under this Act.

An Order in Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the winter assizes the counties united by the order shall, subject to the provisions of the order, be deemed to be one county, and the winter assizes held in and for such united county shall be deemed also to be held in and for each of the constituent counties.

3. *Provision as to Order in Council.*] Her Majesty may from time to time by Order in Council revoke, alter, or add to any order made in pursuance of this Act.

Every Order in Council made in pursuance of this Act shall be published in the London Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament.

4. *Application of existing Acts as to alteration of circuits.*] All enactments relating to the power of her Majesty to alter the circuits of the judges, or places at which assizes are holden, or otherwise relating to assizes and circuits, shall apply and may be put in force for the purpose of carrying into effect this Act or any order made thereunder.

5. *Provision for neighbouring counties to Central Criminal Court district.*] It shall be lawful for her Majesty from time to time by Order in Council to direct that, subject to any exceptions contained in the order, the jurisdiction of the justices and judges of the Central Criminal Court at any session of oyer and terminer and gaol delivery held for the Central Criminal Court district in the months of November, December, or January shall extend to any neighbouring county or part of a county mentioned in the order as if such county or part of a county were included within the limits of the Central Criminal Court district, and to apply, with such modifications and exceptions (if any) as to her Majesty may seem fit, the Central Criminal Court Act to the said county or part of a county and offences committed therein as if the same were a county or part of a county mentioned in that Act.

An Order in Council purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall, while it is in force, have effect as if it were enacted in this Act.

6. *Definitions.*] In this Act—

The expression "winter assizes" means any court of assize or any sessions of oyer and terminer or gaol delivery held in the month of November, the month of December, or the month of January.

The expression "Central Criminal Court district" means the district within the limits of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter thirty-six, intitled "An Act for establishing a new court for the trial of offences committed in the metropolis and parts adjoining"; and the expression "Central Criminal Court Act" means the last-mentioned Act.

The expression "county" in this Act shall include any county of a city or county of a town, and any such division of any county as is constituted by Order in Council under the Act passed in the third and fourth years of King William the Fourth, chapter seventy-one, and intitled "An Act for the appointment of convenient places for the holding of assizes in England and Wales."

## CAP. LVIII.

An Act to amend the Law relating to Parochial Records. [11th August, 1876.]

1. *Short title.*
2. *Interpretation.*
3. *Act to be read with other Acts.*

4. "Record" in 38 & 39 Vict. c. 59, shall not include marriage or vestry books, and such books, if removed, shall be restored.

5. Master of Rolls [in Ireland] may make special orders in case of parish with fit and safe buildings for records.

6. Annual reports to be made to the Master of the Rolls [in Ireland].

7. Powers of examining and certifying copies of records extended to third officer in Record Office.

#### CAP. LIX.

An Act for amending the Law in respect of the Appellate Jurisdiction of the House of Lords; and for other purposes. [11th August, 1876.]

Be it enacted, &c. :

##### *Preliminary.*

1. *Short title.* [This Act may be cited for all purposes as "The Appellate Jurisdiction Act, 1876."] "

2. *Commencement of Act.* [This Act shall, except where it is otherwise expressly provided, come into operation on the first day of November, one thousand eight hundred and seventy-six, which day is hereinafter referred to as the commencement of this Act.]

##### *Appeal.*

3. *Cases in which appeal lies to House of Lords.* [Subject as in this Act mentioned an appeal shall lie to the House of Lords from any order or judgment of any of the courts following; that is to say,

- (1) Of her Majesty's Court of Appeal in England; and
- (2) Of any court in Scotland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute; and
- (3) Of any court in Ireland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute.

4. *Form of appeal to House of Lords.* [Every appeal shall be brought by way of petition to the House of Lords, praying that the matter of the order or judgment appealed against may be reviewed before her Majesty the Queen in her court of Parliament, in order that the said court may determine what of right, and according to the law and custom of this realm, ought to be done in the subject-matter of such appeal.]

5. *Attendance of certain number of Lords of Appeal required at hearing and determination of appeals.* [An appeal shall not be heard and determined by the House of Lords unless there are present at such hearing and determination not less than three of the following persons, in this Act designated Lords of Appeal; that is to say,

- (1) The Lord Chancellor of Great Britain for the time being; and
- (2) The Lords of Appeal in Ordinary to be appointed as in this Act mentioned; and
- (3) Such peers of Parliament as are, for the time being, holding or have held any of the offices in this Act described as high judicial offices.

6. *Appointment of Lords of Appeal in Ordinary by her Majesty.* [For the purpose of aiding the House of Lords in the hearing and determination of appeals, her Majesty may, at any time after the passing of this Act, by letters patent appoint two qualified persons to be Lords of Appeal in Ordinary, but such appointment shall not take effect until the commencement of this Act.]

A person shall not be qualified to be appointed by her Majesty a Lord of Appeal in Ordinary unless he has been, at or before the time of his appointment, the holder, for a period of not less than two years, of some one or more of the offices in this Act described as high judicial offices, or has been, at or before such time as aforesaid, for not less than fifteen years, a practising barrister in England or Ireland, or a practising advocate in Scotland.

Every Lord of Appeal in Ordinary shall hold his office during good behaviour, and shall continue to hold the same notwithstanding the demise of the Crown, but he

may be removed from such office on the address of both Houses of Parliament.

There shall be paid to every Lord of Appeal in Ordinary a salary of six thousand pounds a year.

Every Lord of Appeal in Ordinary, unless he is otherwise entitled to sit as a member of the House of Lords, shall, by virtue and according to the date of his appointment, be entitled during his life to rank as a baron by such style as her Majesty may be pleased to appoint, and shall, during the time that he continues in his office as a Lord of Appeal in Ordinary, and no longer, be entitled to a writ of summons to attend, and to sit and vote in the House of Lords; his dignity as a lord of Parliament shall not descend to his heirs.

On any Lord of Appeal in Ordinary vacating his office by death, resignation, or otherwise, her Majesty may fill up the vacancy by the appointment of another qualified person.

A Lord of Appeal in Ordinary shall, if a Privy Councillor, be a member of the Judicial Committee of the Privy Council, and, subject to the due performance by a Lord of Appeal in Ordinary of his duties as to the hearing and determining of appeals in the House of Lords, it shall be his duty, being a Privy Councillor, to sit and act as a member of the Judicial Committee of the Privy Council.

##### *Supplemental Provisions.*

7. *Pension of Lord of Appeal in Ordinary.* [Her Majesty may, by letters patent, grant to any Lord of Appeal in Ordinary, who has served for fifteen years, or is disabled by permanent infirmity from the performance of the duties of his office, a pension by way of annuity to be continued during his life equal in amount to the pension which might under similar circumstances be granted to the Master of the Rolls, in pursuance of "The Supreme Court of Judicature Act, 1873."] "

Previous service in any office described in this Act as a high judicial office shall, for the purposes of pension, be deemed equivalent to service in the office of a Lord of Appeal in Ordinary under this Act.

The salary and pension payable to a Lord of Appeal in Ordinary shall be charged on and paid out of the Consolidated Fund of the United Kingdom, and shall accrue due from day to day, and shall be payable to the person entitled thereto, or to his executors and administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

8. *Hearing and determination of appeals during prorogation of Parliament.* [For preventing delay in the administration of justice, the House of Lords may sit and act for the purpose of hearing and determining appeals, and also for the purpose of Lords of Appeals in Ordinary taking their seats and the oaths, during any prorogation of Parliament, at such time and in such manner as may be appointed by order of the House of Lords made during the preceding session of Parliament; and all orders and proceedings of the said House in relation to appeals and matters connected therewith during such prorogation, shall be as valid as if Parliament had been then sitting, but no business other than the hearing and determination of appeals and the matters connected therewith, and Lords of Appeal in Ordinary taking their seats and the oaths as aforesaid, shall be transacted by such House during such prorogation.]

Any order of the House of Lords may, for the purposes of this Act, be made at any time after the passing of this Act.

9. *Hearing and determination of appeals during dissolution of Parliament.* [If on the occasion of a dissolution of Parliament her Majesty is graciously pleased to think that it would be expedient, with a view to prevent delay in the administration of justice, to provide for the hearing and determination of appeals during such dissolution, it shall be lawful for her Majesty, by writing under her sign manual, to authorize the Lords of Appeal in the name of the House of Lords to hear and determine appeals during the dissolution of Parliament, and for that purpose to sit in the House of Lords at such times as may be thought expedient; and upon such authority as aforesaid being given by her Majesty, the Lords of Appeal may, during such dissolution, hear and determine appeals, and act in

all matters in relation thereto in the same manner in all respects as if their sittings were a continuation of the sittings of the House of Lords, and may in the name of the House of Lords exercise the jurisdiction of the House of Lords accordingly.

10. *Saving as to fiat of Attorney-General.*] An appeal shall not be entertained by the House of Lords without the consent of the Attorney-General or other law officer of the Crown in any case where proceedings in error or on appeal could not hitherto have been had in the House of Lords without the fiat or consent of such officer.

11. *Procedure under Act to supersede all other procedure.*] After the commencement of this Act error shall not lie to the House of Lords, and an appeal shall not lie from any of the courts from which an appeal to the House of Lords is given by this Act, except in manner provided by this Act, and subject to such conditions as to the value of the subject-matter in dispute, and as to giving security for costs, and as to the time within which the appeal shall be brought, and generally as to all matters of practice and procedure, or otherwise, as may be imposed by orders of the House of Lords.

12. *Certain cases excluded from appeal.*] Except in so far as may be authorized by orders of the House of Lords an appeal shall not lie to the House of Lords from any court in Scotland or Ireland in any case which, according to the law or practice hitherto in use, could not have been reviewed by that House, either in error or on appeal.

13. *Provisions as to pending business.*] Nothing in this Act contained shall affect the jurisdiction of the House of Lords in respect of any error or appeal pending therein at the time of the commencement of this Act, and any such error or appeal may be heard and determined, and all proceedings in relation thereto may be conducted, in the same manner in all respects as if this Act had not passed.

#### *Amendment of Acts.*

14. *Amendment of the Act of 34 & 35 Vict. c. 91, relating to the constitution of the Privy Council.*] Whereas by the Act of the session of the thirty-fourth and thirty-fifth years of the reign of her present Majesty, chapter ninety-one, intitled "An Act to make further provision for the despatch of business by the Judicial Committee of the Privy Council," her Majesty was empowered to appoint and did appoint four persons qualified as in that Act mentioned to act as members of the Judicial Committee of the Privy Council at such salaries as are in the said Act mentioned, in this Act referred to as paid judges of the Judicial Committee of the Privy Council:

And whereas the power given by the said Act of filling any vacancies occasioned by death, or otherwise, in the offices of the persons so appointed, has lapsed by efflux of time, and her Majesty has no power to fill any such vacancies:

Be it enacted, that whenever any two of the paid judges of the Judicial Committee of the Privy Council have died or resigned, her Majesty may appoint a third Lord of Appeal in Ordinary in addition to the Lords of Appeal in Ordinary hereinbefore authorized to be appointed, and on the death or resignation of the remaining two paid judges of the Judicial Committee of the Privy Council her Majesty may appoint a fourth Lord of Appeal in Ordinary in addition to the Lords of Appeal in Ordinary aforesaid; and may from time to time fill up any vacancies occurring in the offices of such third and fourth Lord of Appeal in Ordinary.

Any Lord of Appeal in Ordinary appointed in pursuance of this section shall be appointed in the same manner, hold his office by the same tenure, be entitled to the same salary and pension, and in all respects be in the same position as if he were a Lord of Appeal in Ordinary appointed in pursuance of the power in this Act before given to her Majesty.

Her Majesty may by Order in Council, with the advice of the Judicial Committee of her Majesty's Privy Council or any five of them, of whom the Lord Chancellor shall be one, and of the archbishops and bishops being members of her Majesty's Privy Council, or any two of them, make rules for the attendance, on the hearing of ecclesiastical, cases as assessors of the said committee, of such number of the archbishops and bishops of the Church of England as may be determined by such rules.

The rules may provide for the assessors being appointed for one or more year or years, or by rotation or otherwise,

and for filling up any temporary or other vacancies in the office of assessor.

Any rule made in pursuance of this section shall be laid before each House of Parliament within forty days after it is made if Parliament be then sitting, or, if not then sitting, within forty days after the commencement of the then next session of Parliament.

If either House of Parliament present an address to her Majesty within forty days after any such rule has been laid before such House, praying that any such rule may be annulled, her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void, but without prejudice nevertheless to the making of any other rule in its place, or to the validity of anything which may in the meantime have been done under any such rule.

15. *Amendment of the Supreme Court of Judicature Acts in relation to her Majesty's Court of Appeal.*] Whereas it is expedient to amend the constitution of her Majesty's Court of Appeal in manner hereinafter mentioned: Be it enacted, that there shall be repealed so much of the fourth section of "The Supreme Court of Judicature Act, 1875," as provides that the ordinary judges of her Majesty's Court of Appeal (in this Act referred to as "the Court of Appeal") shall not exceed three at any one time.

In addition to the number of ordinary judges of the Court of Appeal authorized to be appointed by "The Supreme Court of Judicature Act, 1875," her Majesty may appoint three additional ordinary judges of that court.

The first three appointments of additional judges under this Act shall be made by such transfer to the Court of Appeal as is in this section mentioned of three judges of the High Court of Justice, and the vacancies so created in the High Court of Justice shall not be filled up, except in the event and to the extent hereinafter mentioned.

Her Majesty may by writing, under her sign manual, either before or after the commencement of this Act, but so as not to take effect until the commencement thereof, transfer to the Court of Appeal from the following divisions of the High Court of Justice, that is to say, the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division, such of the judges of the said divisions, not exceeding three in number, as to her Majesty may seem meet, each of whom shall have been a judge of any one or more of such divisions for not less than two years previously to his appointment, and shall not be an ex-officio judge of the Court of Appeal, and every judge so transferred shall be deemed an additional ordinary judge of the Court of Appeal in the same manner as if he had been appointed such judge by letters patent. No judge shall be so transferred without his own consent.

Every additional ordinary judge of the said Court of Appeal appointed in pursuance of this Act shall be subject to the provisions of sections twenty-nine and thirty-seven of "The Supreme Court of Judicature Act, 1873," and shall be under an obligation to go circuits and to act as commissioner under commissions of assize or other commissions authorized to be issued in pursuance of the said Act, in the same manner in all respects as if he were a judge of the High Court of Justice.

There shall be paid to every additional ordinary judge appointed in pursuance of this Act, in addition to the salary which he would otherwise receive as an ordinary judge of the Court of Appeal, such sum on account of his expenses on circuit or under such commission as aforesaid as may be approved by the Treasury upon the recommendation of the Lord Chancellor.

Each of the judges of the High Court of Justice who is in pursuance of this Act transferred to the Court of Appeal, by writing under the sign manual of her Majesty, shall retain such officers as are attached to his person as such judge, and are appointed and removable by him at his pleasure, in pursuance of "The Supreme Court of Judicature Act, 1873," and the officers so attached shall have the same rank, and hold their offices by the same tenure, and upon the same terms and conditions, and receive the same salaries, and if entitled to pensions be entitled to the same pensions, and shall, as nearly as may be, perform the same duties as if the judges to whom they are attached had not been transferred to the Court of Appeal.

Subject as aforesaid, the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, for the time being in force in relation to the appointment of ordinary

judges of her Majesty's Court of Appeal, and to their tenure of office, and to their precedences, and to their salaries and pensions, and to the officers to be attached to such judges, and all other provisions relating to such ordinary judges, shall apply to the additional ordinary judges appointed in pursuance of this section in the same manner as they apply to the other ordinary judges of the said court.

For the purpose of a transfer to the Court of Appeal under this section, service as a judge in a court whose jurisdiction is transferred to the High Court shall be deemed to have been service as a judge in any one or more of such divisions of the High Court as are in this section in that behalf mentioned; and for the purpose of the pension of any person appointed under this Act an additional ordinary judge of appeal, service in the High Court of Justice, or in any court whose jurisdiction is transferred to the High Court of Justice or to the Court of Appeal, shall be deemed to have been service in the Court of Appeal.

16. *Orders in relation to conduct of business in her Majesty's Court of Appeal.*] Orders for constituting and holding divisional courts of the Court of Appeal, and for regulating the sittings of the Court of Appeal, and of the divisional courts of appeal, may be made, and when made, in like manner rescinded or altered, by the President of the Court of Appeal, with the concurrence of the ordinary judges of the Court of Appeal, or any three of them; and so much of section seventeen of "The Supreme Court of Judicature Act, 1875," as relates to the regulation of any matters subject to be regulated by orders under this section, and so much of any rules of court as may be inconsistent with any order made under this section, shall be repealed, without prejudice nevertheless to any rules of court made in pursuance of the section so repealed, so long as such rules of court remain unaffected by orders made in pursuance of this section.

17. *Regulations as to business of High Court of Justice and divisional courts of High Court.*] On and after the first day of December, one thousand eight hundred and seventy-six, every action and proceeding in the High Court of Justice, and all business arising out of the same, except as is hereinafter provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of before a single judge, and all proceedings in an action subsequent to the hearing or trial, and down to and including the final judgment or order, except as aforesaid, and always excepting any proceedings on appeal in the Court of Appeal, shall, so far as is practicable and convenient, be had and taken before the judge before whom the trial or hearing of the cause took place: Provided nevertheless, that divisional courts of the High Court of Justice may be held for the transaction of any business which may for the time being be ordered by rules of court to be heard by a divisional court; and any such divisional court when held shall be constituted of two judges of the court and no more, unless the president of the division to which such divisional court belongs, with the concurrence of the other judges of such division, or a majority thereof, is of opinion that such divisional court should be constituted of a greater number of judges than two, in which case such court may be constituted of such number of judges as the president, with such concurrence as aforesaid, may think expedient; nevertheless the decisions of a divisional court shall not be invalidated by reason of such court being constituted of a greater number than two judges; and

Rules of court for carrying into effect the enactments contained in this section shall be made on or before the first day of December, one thousand eight hundred and seventy-six, and may be afterwards altered, and all rules of court to be made after the passing of this Act, whether made under "The Supreme Court of Judicature Act, 1875," or this Act, shall be made by any three or more of the following persons, of whom the Lord Chancellor shall be one, namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and four other judges of the Supreme Court of Judicature, to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein, and all such rules of court shall be laid before each House of Parliament within such time and subject to be annulled

in such manner as is provided by "The Supreme Court of Judicature Act, 1875."

There shall be repealed on and after the first day of December, one thousand eight hundred and seventy-six, so much of sections forty, forty-one, forty-two, forty-three, forty-four, and forty-six of "The Supreme Court of Judicature Act, 1873," as is inconsistent with the provisions of this section.

18. *Power in certain events to fill vacancies occasioned in High Court of Justice by removal of judges to Court of Appeal.*] Whenever any two of the said paid judges of the Judicial Committee of the Privy Council have died or resigned, her Majesty may, upon an address from both Houses of Parliament, representing that the state of business in the High Court of Justice is such as to require the appointment of an additional judge, fill up one of the vacancies created by the transfer hereinbefore authorized, by appointing one new judge of the said High Court in any division thereof; and on the death or retirement of the remaining two paid judges of the said Judicial Committee, her Majesty may, upon the like address, fill up in like manner another of the said vacancies, and from time to time fill up any vacancies occurring in the offices of judges so appointed.

19. *Attendance of judges of High Court of Justice on Court of Appeal.*] Where a judge of the High Court of Justice has been requested to attend as an additional judge at the sittings of the Court of Appeal under section four of "The Supreme Court of Judicature Act, 1873," such judge shall, although the period has expired during which his attendance was requested, attend the sittings of the Court of Appeal for the purpose of giving judgment or otherwise in relation to any case which may have been heard by the Court of Appeal during his attendance on the Court of Appeal.

20. *Amendment of Judicature Acts as to appeals from High Court of Justice in certain cases.*] Where by Act of Parliament it is provided that the decision of any court or judge the jurisdiction of which court or judge is transferred to the High Court of Justice is to be final, an appeal shall not lie in any such case from the decision of the High Court of Justice, or of any judge thereof, to her Majesty's Court of Appeal.

21. *Continuation until 1st January, 1878, of s. 34 of 33 & 39 Vict. c. 77, as to vacancies in legal offices.*] Whereas by section thirty-four of "The Supreme Court of Judicature Act, 1875," it is enacted that upon the occurrence of any vacancy in an office coming within the provisions of section seventy-seven of "The Supreme Court of Judicature Act, 1873," the Lord High Chancellor of Great Britain may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January, one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office, and it is expedient to extend the said period as hereinafter mentioned: Be it therefore enacted as follows:

The said section shall be construed as if the first day of January, one thousand eight hundred and seventy-eight, were therein inserted in lieu of the first day of January, one thousand eight hundred and seventy-seven.

22. *Appointment of deputy by district registrars.*] A district registrar of the Supreme Court of Judicature may from time to time, but in each case with the approval of the Lord Chancellor and subject to such regulations as the Lord Chancellor may from time to time make, appoint a deputy, and all acts authorized or required to be done by, to, or before a district registrar may be done by, to, or before any deputy so appointed: Provided always, that in no case such appointment shall be made for a period exceeding three months. This section shall come into force at the time of the passing of this Act.

23. *Appointment of vice-admiral, judge, and officers of vice-admiralty court.*] Whereas by "The Vice-Admiralty Courts Act, 1863," it is enacted, that "nothing in this Act contained shall be taken to affect the power of the Admiralty to appoint any vice-admiral, or any judge, registrar, marshal, or other officer of any vice-admiralty court, as heretofore, by warrant from the Admiralty, and by letters patent issued under the seal of the High Court of Admiralty of England":

And whereas since the commencement of the Supreme

Court of Judicature Acts, 1873 and 1875, doubts have arisen with respect to the exercise of the said power of the Admiralty, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Any power of the Admiralty to appoint or cancel the appointment of a vice-admiral, or a judge, registrar, marshal, or other officer of a vice-admiralty court, may, after the passing of this Act, be exercised by some writing under the hands of the Admiralty, and the seal of the office of Admiralty, and in such form as the Admiralty from time to time direct.

Every appointment so made shall have the same effect, and every vice-admiral, judge, registrar, marshal, and other officer so appointed shall have the same jurisdiction, power, and authority, and be subject to the same obligations, as if he had been appointed before the commencement of the Supreme Court of Judicature Acts, 1873 and 1875, under the seal of the High Court of Admiralty of England.

"Admiralty" in this section means the Lord High Admiral, or the commissioners for executing his office, or any two of such commissioners.

#### Repeal and Definitions.

24. Repeal of certain sections of "*The Church Discipline Act*" and of "*The Supreme Court of Judicature Acts*." Section sixteen of the Act for better enforcing Church Discipline, passed in the session of the third and fourth years of the reign of her present Majesty, chapter eighty-six, and sections twenty, twenty-one, and fifty-five of "*The Supreme Court of Judicature Act, 1873*," and section two of "*The Supreme Court of Judicature Act, 1875*," shall be repealed (with the exception of so much of section two as declares the day on which that Act is to commence).

25. Definitions: "*high judicial office*:" "*superior courts*:" "*error*." In this Act, if not inconsistent with the context, the following expressions have the meaning hereinafter respectively assigned to them; that is to say,

"High judicial office" means any of the following offices; that is to say,

The office of Lord Chancellor of Great Britain or Ireland or of paid judge of the Judicial Committee of the Privy Council, or of judge of one of her Majesty's superior courts of Great Britain and Ireland:

"Superior courts of Great Britain and Ireland" means and includes—

As to England, her Majesty's High Court of Justice and her Majesty's Court of Appeal, and the superior courts of law and equity in England as they existed before the constitution of her Majesty's High Court of Justice; and

As to Ireland, the superior courts of law and equity at Dublin; and

As to Scotland, the Court of Session:

"Error" includes a writ of error or any proceedings in or by way of error.

#### CAP. LX.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-seven, and to appropriate the Supplies granted in this Session of Parliament. [15th August, 1876.]

#### CAP. LXI.

An Act to provide for the better arrangement of divided Parishes and other local areas, and to make sundry amendments in the Law relating to the Relief of the Poor in England. [15th August, 1876.]

1. The Local Government Board may make provision for divided parishes.

2. If one-tenth of ratepayers object, the order shall be provisional only.

3. State of parishes after new order.

4. Ecclesiastical divisions and municipal boundaries not to be affected.

5. Provision for highway district.

6. Overseers to be appointed for the parish so created.

7. Provision for compensation.

8. Adjustment to be made of property and debts.

9. Endowments for benefit of divided parish not to be affected.

10. Husbands and wives in workhouses.

11. Local Government Board under certain circumstances may dissolve a union.

12. Division of parish into wards for election of guardians.

13. Change of name of union.

14. Paupers not to vote at election of guardians.

15. Guardians of unions and parishes may pay for information required for the effectual discharge of duties.

16. Local Government Board to settle payments to officers for the same.

17. Superannuation allowances not affected by services as registrar of marriages or sanitary officer.

18. The 7 & 8 Vict. c. 101, s. 25, extended.

19. Provisions against persons who desert their families.

20. Jurisdiction of justices to make orders on husband of a lunatic.

21. Extension of 7 & 8 Vict. c. 101, s. 56, as to registration to the case of a workhouse situated in two parishes, and provision for deaths of paupers in district schools and asylums.

22. Extension of 12 & 13 Vict. c. 103, s. 14.

23. Trustees may pay cost of pauper's relief out of annuity payable to such pauper.

24. Costs in bastardy.

25. Recovery of cost by guardians of a parish.

26. Provision for pauper lunatics sent from boroughs to licensed houses and registered hospitals.

27. Repeal of 56 Geo. 3, c. 139, s. 1, relating to parish apprentices.

28. Boys in receipt of relief, who are desirous of it, may be forwarded by the guardians for examination for the naval service.

29. Provision for the balances of outgoing overseers.—Existing disallowances discharged.

30. Repeal of the exemption of corporate property.

31. Brokers' charges.

32. Justices to make allowances to clerks of justices in respect of jury lists.

33. Appointment of visiting officer.

34. Settlement for persons by residence.

35. Abolition of derivative settlements.

36. Proviso for pending orders of removal.

37. Rates made by overseers not now audited made subject to the audit of district auditor.

38. Auditor's decision upon a joint account may be reversed or remitted in favour of one or some only of the parties.

39. Statement by owner pursuant to statute 7 & 8 Vict. c. 101, s. 15.

40. Explanation of the Metropolitan Poor Act as to the power to form districts for all classes of poor.

41. Extension of power of determining or varying contracts given by 30 & 31 Vict. c. 6, s. 59.

42. Power of managers in respect of patients not paupers.

43. The exemption of the Inns of Court and the Charter House removed.

44. Interpretation clause.

45. Short title.

## CAP. LXII.

An Act to make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private roads.

[15th August, 1876.]

1. *Sale of exhausted gravel pits wherein there are private or other interests.*
2. *Local government to hear and decide on objections and claims.*
3. *Disputed claims and interests of disabled persons.*
4. *Right of pre-emption by adjoining owner.*
5. *Mines, how to be dealt with.*
6. *Appropriation of the interest of the parish in the produce of the sale.*
7. *Interpretation of the word "parish."*
8. *Short title.*

## CAP. LXIII.

An Act to render necessary in Ireland a Year's Notice to Quit to determine a Tenancy from Year to Year, and otherwise to amend the Law as to Notices to Quit.

[15th August, 1876.]

1. *A year's notice to quit shall be necessary and sufficient to determine a tenancy from year to year.*
2. *A year's notice to quit not necessary in certain tenancies.*
3. *Resumption for improvements.*
4. *Service of notice to quit in case of tenant's intestacy.*
5. *Agricultural or pastoral holdings only subject to this Act.*
6. *Repeal of portion of the 58th section of the Landlord and Tenant (Ireland) Act, 1870.*
7. *Not to affect pending notices.*
8. *Short title.*

## CAP. LXIV.

An Act to continue for one year the Police (Expenses) Act, 1875.

[15th August, 1876.]

## CAP. LXV.

An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin.

[15th August, 1876.]

## CAP. LXVI.

An Act to amend the Law relating to Legal Practitioners.

[15th August, 1876.]

Whereas it is expedient to amend the law relating to legal practitioners:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Legal Practitioners Act, 1876."
2. *Solicitors may appear as proctors.*] It shall be lawful for any certificated solicitor of the Supreme Court to appear as a proctor in the provincial courts of Canterbury and York.

## CAP. LXVII.

An Act for making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown.

[15th August, 1876.]

## CAP. LXVIII.

An Act to amend the Law for the payment of Remuneration and the Grant of Superannuation Allowances and Gratuities to certain persons employed under her Majesty's Principal Secretary of State for the War Department and her Majesty's Postmaster-General.

[15th August, 1876.]

## CAP. LXIX.

An Act to continue various expiring Laws.

[15th August, 1876.]

## CAP. LXX.

An Act to alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto.

[15th August, 1876.]

## CAP. LXXI.

An Act to amend the Laws relating to the Jurisdiction of Chairmen of Quarter Sessions in Ireland.

[15th August, 1876.]

## CAP. LXXII.

An Act to suspend for a limited period the holding of an Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain voters for the said City, and also certain voters for the Borough of Boston.

[15th August, 1876.]

## CAP. LXXIII.

An Act to amend the Pensions Commutation Act, 1871.

[15th August, 1876.]

## CAP. LXXIV.

An Act for amending so much of the Agricultural Holdings (England) Act, 1875, as relates to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy.

[15th August, 1876.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Agricultural Holdings (England) Act, 1875, Amendment Act, 1876."

2. *Repeal of enactments in schedule.*] The part of an Act described in the schedule to this Act is hereby repealed; but this repeal shall not affect anything done, or any right or liability accrued, under the repealed enactment, before the passing of this Act.

3. *Approval of improvements by patron of benefice.*] Section forty-nine of "The Agricultural Holdings (England) Act, 1875," shall be read and have effect as if there had been inserted therein after the word "writing" the following words, "of the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were vacant, would be entitled to present thereto), or."

## SCHEDULE.

## PART OF ACT REPEALED.

38 & 39 Vict.  
c. 92.

The Agricultural Holdings (England) Act, 1875 - } in part; namely-

The last paragraph of section forty-nine; (that is to say)

The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

## CAP. LXXV.

An Act for making further Provision for the Prevention of the Pollution of Rivers.

[15th August, 1876.]

Whereas it is expedient to make further provision for the prevention of the pollution of rivers, and in particular to prevent the establishment of new sources of pollution:

Be it enacted, &c.:

1. *Short title of Act.*] This Act may be cited for all purposes as "The Rivers Pollution Prevention Act, 1876."

## PART I.

## LAW AS TO SOLID MATTERS.

2. *Prohibition as to putting solid matters into streams.*] Every person who puts or causes to be put or to fall, or knowingly permits to be put or to fall or to be carried, into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act.

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

## PART II.

## LAW AS TO SEWAGE POLLUTIONS.

3. *Prohibition as to drainage into streams of sewers.*] Every person who causes to fall or flow, or knowingly permits to fall or flow or to be carried, into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream.

Where the Local Government Board are satisfied after local inquiry that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream, or permitting it to be so discharged, by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel, be in operation until the expiration of a period to be limited in the order.

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority, provided he has the sanction of the sanitary authority for so doing.

## PART III.

## LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

4. *Prohibition as to drainage into streams from manufactories.*] Every person who causes to fall or flow, or knowingly permits to fall or flow or to be carried, into any stream any poisonous, noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any such poisonous, noxious, or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous, noxious, or polluting liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting liquid so falling or flowing or carried into the stream.

5. *Prohibition as to drainage into stream from mines.*]

Every person who causes to fall or flow, or knowingly permits to fall or flow or to be carried, into any stream any solid matter from any mine in such quantities as to prejudicially interfere with its due flow, or any poisonous, noxious, or polluting solid or liquid matter proceeding from any mine, other than water in the same condition as that in which it has been drained or raised from such mine, shall be deemed to have committed an offence against this Act, unless in the case of poisonous, noxious, or polluting matter he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting matter so falling or flowing or carried into the stream.

6. *Restriction on proceedings under this part of the Act.*] Unless and until Parliament otherwise provides the following enactments shall take effect, proceedings shall not be taken against any person under this part of this Act save by a sanitary authority, nor shall any such proceedings be taken without the consent of the Local Government Board: Provided always, that if the sanitary authority, on the application of any person interested alleging an offence to have been committed, shall refuse to take proceedings or apply for the consent by this section provided, the person so interested may apply to the Local Government Board, and if that Board on inquiry is of opinion that the sanitary authority should take proceedings, they may direct the sanitary authority accordingly, who shall thereupon commence proceedings.

The said Board in giving or withholding their consent shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

The said Board shall not give their consent to proceedings by the sanitary authority of any district which is the seat of any manufacturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such industry.

Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or manufacturing processes. The sanitary authority shall thereupon allow such person to be heard by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings as aforesaid shall or shall not be taken; and where any such sanitary authority has taken proceedings under this Act, it shall not be competent to other sanitary authorities to take proceedings under this Act till the party against whom such proceedings are intended shall have failed in reasonable time to carry out the order of any competent court under this Act.

## PART IV.

## ADMINISTRATION OF LAW.

7. *Sanitary authority to afford facilities for factories draining into sewers.*] Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers:

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect such sewers or the disposal by sale, application to land, or otherwise of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise be injurious in a sanitary point of view:

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

8. *Power of sanitary authority to enforce Act.* Every sanitary authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of "The Public Health Act, 1875."

Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against this Act by any person aggrieved by the commission of such offence.

9. *Power of Lee Conservancy Board to enforce Act.* The Conservancy Board constituted under "The Lee Conservancy Act, 1868," shall, within the area of their jurisdiction, have, to the exclusion of any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

The said Conservancy Board may also enforce the provisions of "The Lee Conservancy Act, 1868," under the head or division "Protection of Water," by application to the county court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by summary order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to summary orders of county courts and appeal therefrom shall apply accordingly.

#### LEGAL PROCEEDINGS.—SAVING CLAUSES.—DEFINITIONS.

##### (1) *Legal Proceedings.*

10. *Offences to be restrained by summary order of county court.* The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified; the court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may give such directions for carrying into effect any order as to the court seems meet. Previous to granting such order the court may, if it think fit, remit to skilled parties to report on the "best practicable and available means" and the nature and cost of the works and apparatus required, who shall in all cases take into consideration the reasonableness of the expense involved in their report.

Any person making default in complying with any requirement of an order of a county court made in pursuance of this section shall pay to the person complaining, or such other person as the court may direct, such sum, not exceeding fifty pounds a day for every day during which he is in default, as the court may order; and such penalty shall be enforced in the same manner as any debt adjudged to be due by the court; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than a month or such other period less than a month as may be prescribed by such order, the court may in addition to any penalty it may impose appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court.

11. *Appeal from county court, and removal of case into High Court of Justice.* If either party in any proceedings before the county court under this Act feels aggrieved by the decision of the court in point of law or on the merits, or in respect of the admission or rejection of any evidence,

he may appeal from that decision to the High Court of Justice.

The appeal shall be in the form of a special case to be agreed upon by both parties or their attorneys, and, if they cannot agree, to be settled by the judge of the county court upon the application of the parties or their attorneys.

The court of appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses.

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts and appeals from decisions of county court judges, and to the conditions of such appeals, and to the power of the superior courts on such appeals, shall apply to all proceedings under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

12. *Certificate of inspector of Local Government Board as to best practicable means.* A certificate granted by an inspector of proper qualifications appointed for the purposes of this Act by the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting solid or liquid matter falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings under this Act be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding two years, and at the expiration of that period may be renewed for the like or any less period.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

13. *Restriction on proceedings for offences.* Proceedings shall not be taken under this Act against any person for any offence against the provisions of parts II. and III. of this Act until the expiration of twelve months after the passing of this Act; nor shall proceedings in any case be taken under this Act for any offence against this Act until the expiration of two months after written notice of the intention to take such proceedings has been given to the offender, nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

14. *Orders as to costs of inquiries.* The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, and as to the parties by whom such costs shall be borne; and every such order and every order for the payment of costs made by the said Board under section twelve of this Act may be made a rule of her Majesty's High Court of Justice.

15. *Power of inspectors of Local Government Board.* Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under "The Public Health Act, 1875," for the purposes of that Act.

##### (2) *Saving Clauses.*

16. *Powers of Act cumulative.* The powers given by this Act shall not be deemed to prejudice or affect any other rights or powers now existing or vested in any person or persons by Act of Parliament, law, or custom, and such

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other rights or powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law: Provided nevertheless, that in any proceedings for enforcing against any person such rights or powers the court before which such proceedings are pending shall take into consideration any certificate granted to such person under this Act.

17. *Saving of rights of impounding and diverting water.*] This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

18. *Saving of certain Conservancy Acts.*] Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by the Thames Conservancy Acts, 1857 and 1864, or by "The Thames Navigation Act, 1866," or by "The Lee Conservancy Act, 1868," or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under "The Metropolis Management Act, 1855," and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

19. *Saving of works of certain local authorities.*] Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority in pursuance of such enactment, shall be deemed to be an offence against this Act.

### (3) Definitions.

20. *Definitions.*] In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,

"Person" includes any body of persons, whether corporate or unincorporate:

"Stream" includes the sea to such extent, and tidal waters to such point, as may, after local inquiry and on sanitary grounds, be determined by the Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid:

"Solid matter" shall not include particles of matter in suspension in water:

"Polluting" shall not include innocuous discoloration:

"Sanitary authority" means—

In the metropolis as defined by "The Metropolis Management Act, 1855," any local authority acting in the execution of "The Nuisances Removal for England Act, 1855," and the Acts amending the same;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of "The Public Health Act, 1875."

### PART V.

#### APPLICATION OF THE ACT TO SCOTLAND.

21. *Modifications of Act in Scotland.*] In the application of this Act to Scotland the following provisions shall have effect:

- (1) The expression "sanitary authority" shall mean and include the local authority in any parish or burgh in Scotland, acting under "The Public Health (Scotland) Act, 1867":
- (2) The expression "London Gazette" shall mean Edinburgh Gazette:
- (3) The expression "The Public Health Act, 1875," shall mean "The Public Health (Scotland) Act, 1867," and any Acts amending the same:
- (4) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary of State" were substituted; and the expression "the Secretary of State" shall mean one of her Majesty's principal Secretaries of State:
- (5) The expression "the county court" shall mean the

sheriff of the county, and shall include sheriff substitute; and the expression "plaint entered in a county court" shall mean petition or complaint presented in a sheriff court:

- (6) The expression "the High Court of Justice" shall mean the Court of Session in either division of the Inner House thereof:
- (7) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs and their substitutes:
- (8) The Court of Session may, on the application of the Lord Advocate, on behalf of the Secretary of State, interpose their authority to any order made by the Secretary of State as to the costs incurred by him in relation to inquiries instituted by him under this Act, and as to the parties by whom such costs shall be borne; and may grant decree conform thereto, upon which execution and diligence may proceed in common form:
- (9) An inspector appointed for the purposes of this Act by the Secretary of State shall, for the purposes of any inquiry directed by the Secretary of State under this Act, be entitled, by a summons signed by him, to require the attendance of all persons he may think fit to call before him in regard to the matters of the inquiry, and to administer oaths to, and examine upon oath, all such persons, and to require and enforce the production upon oath of all documents, accounts, or papers in anywise relating to such inquiry; and shall also have, in relation to the inspection of places and matters required to be inspected, similar powers to those which sanitary inspectors have under "The Public Health (Scotland) Act, 1867."

### PART VI.

22. *Application of this Act to Ireland.*] In the application of this Act to Ireland the following provisions shall have effect:

- (1) The expression "sanitary authority" shall mean any urban or rural sanitary authority acting in the execution of "The Public Health (Ireland) Act, 1874":
- (2) The expression "the Public Health Act, 1875," shall mean "The Public Health (Ireland) Act, 1874":
- (3) The expression "the Local Government Board" shall mean the Local Government Board for Ireland:
- (4) The expression "the county court" shall mean the civil bill court:
- (5) The expression "plaint entered in a county court" shall mean civil bill process:
- (6) The expression "the High Court of Justice" shall mean any of the superior courts of common law in Dublin, or any judge thereof to whom appeals may be brought from the decision of a civil bill court:
- (7) The expression "the judge of the county court" shall mean the chairman of quarter sessions and judge of the civil bill court:
- (8) The expression "the London Gazette" shall mean the Dublin Gazette:
- (9) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred upon the civil bill courts and superior courts, and the judges of the same respectively:
- (10) All penalties, when recovered by or on behalf, or at the instance of or in any proceeding instituted by any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts; and save as aforesaid all such penalties shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

### CAP. LXXVI.

An Act to extend the privileges of Municipal Corporations in Ireland.  
[15th August, 1876.]

### CAP. LXXVII.

An Act to amend the Law relating to Cruelty to Animals.  
[15th August, 1876.]

Whereas it is expedient to amend the law relating to cruelty to animals by extending it to the cases of animals which, for medical, physiological, or other scientific pur-

poses, are subjected, when alive, to experiments calculated to inflict pain:

Be it enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as "The Cruelty to Animals Act, 1876."

2. *Prohibition of painful experiments on animals.* A person shall not perform on a living animal any experiment calculated to give pain, except subject to the restrictions imposed by this Act. Any person performing or taking part in performing any experiment calculated to give pain, in contravention of this Act, shall be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds; and, if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds, or to imprisonment for a period not exceeding three months.

3. *General restrictions as to performance of painful experiments on animals.* The following restrictions are imposed by this Act with respect to the performance on any living animal of an experiment calculated to give pain; that is to say,

- (1) The experiment must be performed with a view to the advancement, by new discovery, of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering; and
- (2) The experiment must be performed by a person holding such licence from one of her Majesty's principal Secretaries of State, in this Act referred to as the Secretary of State, as is in this Act mentioned, and in the case of a person holding such conditional licence as is hereinafter mentioned, or of experiments performed for the purpose of instruction in a registered place; and
- (3) The animal must, during the whole of the experiment, be under the influence of some anæsthetic of sufficient power to prevent the animal feeling pain; and
- (4) The animal must, if the pain is likely to continue after the effect of the anæsthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anæsthetic which has been administered; and
- (5) The experiment shall not be performed as an illustration of lectures in medical schools, hospitals, colleges, or elsewhere; and
- (6) The experiment shall not be performed for the purpose of attaining manual skill.

Provided as follows; that is to say,

- (1) Experiments may be performed under the foregoing provisions as to the use of anæsthetics by a person giving illustrations of lectures in medical schools, hospitals, or colleges, or elsewhere, on such certificate being given as in this Act mentioned, that the proposed experiments are absolutely necessary for the due instruction of the persons to whom such lectures are given, with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering; and
- (2) Experiments may be performed without anæsthetics on such certificate being given, as in this Act mentioned, that insensibility cannot be produced without necessarily frustrating the object of such experiments; and
- (3) Experiments may be performed without the person who performed such experiments being under an obligation to cause the animal on which any such experiment is performed to be killed before it recovers from the influence of the anæsthetic on such certificate being given as in this Act mentioned, that the so killing the animal would necessarily frustrate the object of the experiment, and provided that the animal be killed as soon as such object has been attained; and
- (4) Experiments may be performed not directly for the advancement by new discovery of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former

discovery alleged to have been made for the advancement of such knowledge as last aforesaid, on such certificate being made, as is in this Act mentioned, that such testing is absolutely necessary for the effectual advancement of such knowledge.

4. *Use of urari as an anæsthetic prohibited.* The substance known as urari or curare shall not, for the purposes of this Act, be deemed to be an anæsthetic.

5. *Special restrictions on painful experiments on dogs, cats, &c.* Notwithstanding anything in this Act contained, an experiment calculated to give pain shall not be performed without anæsthetics on a dog or cat, except on such certificate being given as in this Act mentioned, stating, in addition to the statements hereinbefore required to be made in such certificate, that for reasons specified in the certificate the object of the experiment will be necessarily frustrated unless it is performed on an animal similar in constitution and habits to a cat or dog, and no other animal is available for such experiment; and an experiment calculated to give pain shall not be performed on any horse, ass, or mule except on such certificate being given, as in this Act mentioned, that the object of the experiment will be necessarily frustrated unless it is performed on a horse, ass, or mule, and that no other animal is available for such experiment.

6. *Absolute prohibition of public exhibition of painful experiments.* Any exhibition to the general public; whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal.

Any person performing or aiding in performing such experiments shall be deemed to be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

And any person publishing any notice of any such intended exhibition by advertisement in a newspaper, placard, or otherwise shall be liable to a penalty not exceeding one pound.

A person punished for an offence under this section shall not for the same offence be punishable under any other section of this Act.

#### Administration of Law.

7. *Registry of place for performance of experiments.* The Secretary of State may insert, as a condition of granting any licence, a provision in such licence that the place in which any experiment is to be performed by the licensee is to be registered in such manner as the Secretary of State may from time to time by any general or special order direct; provided that every place for the performance of experiments for the purpose of instruction under this Act shall be approved by the Secretary of State, and shall be registered in such manner as he may from time to time by any general or special order direct.

8. *Licence by Secretary of State.* The Secretary of State may license any person whom he may think qualified to hold a licence to perform experiments under this Act. A licence granted by him may be for such time as he may think fit, and may be revoked by him on his being satisfied that such licence ought to be revoked. There may be annexed to such licence any conditions which the Secretary of State may think expedient for the purpose of better carrying into effect the objects of this Act, but not inconsistent with the provisions thereof.

9. *Reports to Secretary of State.* The Secretary of State may direct any person performing experiments under this Act from time to time to make such reports to him of the result of such experiments, in such form and with such details, as he may require.

10. *Inspection by Secretary of State.* The Secretary of State shall cause all registered places to be from time to time visited by inspectors for the purpose of securing a compliance with the provisions of this Act, and the Secretary of State may, with the assent of the Treasury as to number, appoint any special inspectors, or may from time to time assign the duties of any such inspectors to such

officers in the employment of the Government, who may be willing to accept the same, as he may think fit, either permanently or temporarily.

11. *Certificate of scientific bodies for exceptions to general regulations.* Any application for a licence under this Act and a certificate given as in this Act mentioned must be signed by one or more of the following persons; that is to say,

The President of the Royal Society;  
The President of the Royal Society of Edinburgh;  
The President of the Royal Irish Academy;  
The Presidents of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin;  
The Presidents of the Royal Colleges of Physicians in London, Edinburgh, or Dublin;  
The President of the General Medical Council;  
The President of the Faculty of Physicians and Surgeons of Glasgow;  
The President of the Royal College of Veterinary Surgeons, or the President of the Royal Veterinary College, London, but in the case only of an experiment to be performed under anaesthetics with a view to the advancement by new discovery of veterinary science;

and also (unless the applicant be a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by Royal charter) by a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by Royal charter.

Provided that where any person applying for a certificate under this Act is himself one of the persons authorized to sign such certificate, the signature of some other of such persons shall be substituted for the signature of the applicant.

A certificate under this section may be given for such time or for such series of experiments as the person or persons signing the certificate may think expedient.

A copy of any certificate under this section shall be forwarded by the applicant to the Secretary of State, but shall not be available until one week after a copy has been so forwarded.

The Secretary of State may at any time disallow or suspend any certificate given under this section.

12. *Power of judge to grant licence for experiment when necessary in criminal case.* The powers conferred by this Act of granting a licence or giving a certificate for the performance of experiments on living animals may be exercised by an order in writing under the hand of any judge of the High Court of Justice in England, of the High Court of Session in Scotland, or of any of the superior courts in Ireland, including any court to which the jurisdiction of such last-mentioned courts may be transferred, in a case where such judge is satisfied that it is essential for the purposes of justice in a criminal case to make any such experiment.

#### Legal Proceedings.

13. *Entry on warrant by justice.* A justice of the peace, on information on oath that there is reasonable ground to believe that experiments in contravention of this Act are being performed by an unlicensed person in any place not registered under this Act may issue his warrant authorizing any officer or constable of police to enter and search such place, and to take the names and addresses of the persons found therein.

Any person who refuses admission on demand to a police officer or constable so authorized, or obstructs such officer or constable in the execution of his duty under this section, or who refuses on demand to disclose his name or address, or gives a false name or address, shall be liable to a penalty not exceeding five pounds.

14. *Prosecution of offences and recovery of penalties in England.* In England offences against this Act may be prosecuted and penalties under this Act recovered before a court of summary jurisdiction in manner directed by "The Summary Jurisdiction Act."

In England "Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three,

intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

"Court of summary jurisdiction." "Court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, exercising jurisdiction in pursuance of "The Summary Jurisdiction Acts": Provided that the court, when hearing and determining an information under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

15. *Power of offender in England to elect to be tried on indictment, and not by summary jurisdiction.* In England, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

16. *Form of appeal to quarter sessions.* In England, if any party thinks himself aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

- (1) The appeal shall be made to the next court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than twenty-one days after the decision of the court from which the appeal is made; and
- (2) The appellant shall, within ten days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof; and
- (3) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow; and
- (4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance, or giving such other security as aforesaid, release him from custody; and
- (5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon rehear and decide the information in accordance with the order of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

17. *Prosecution of offences and recovery of penalties in Scotland.* In Scotland, offences against this Act may be prosecuted, and penalties under this Act recovered, under the provisions of "The Summary Procedure Act, 1864," or if a person accused of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, on appearing before a court of summary jurisdiction, declare that he objects to being tried for such offence in the court

of summary jurisdiction, proceedings may be taken against him on indictment in the Court of Justiciary in Edinburgh or on circuit.

Every person found liable in any penalty or costs shall be liable in default of immediate payment to imprisonment for a term not exceeding three months, or until such penalty or costs are sooner paid.

18. *Prosecution of offences and recovery of penalties in Ireland.* In Ireland, offences against this Act may be prosecuted, and penalties under this Act recovered in a summary manner, subject and according to the provisions with respect to the prosecution of offences, the recovery of penalties, and to appeal of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same, and in Dublin of the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis. All penalties recovered under this Act shall be applied in manner directed by "The Fines (Ireland) Act, 1871," and any Act amending the same.

19. *Power of offender in Ireland to elect to be tried on indictment, and not by summary jurisdiction.* In Ireland, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

20. *Interpretation of "the Secretary of State" as to Ireland.* In the application of this Act to Ireland the term "the Secretary of State" shall be construed to mean the Chief Secretary to the Lord Lieutenant of Ireland for the time being.

21. *Prosecution only with leave of Secretary of State.* A prosecution under this Act against a licensed person shall not be instituted except with the assent in writing of the Secretary of State.

22. *Not to apply to invertebrate animals.* This Act shall not apply to invertebrate animals.

#### CAP. LXXVIII.

An Act to amend the Procedure connected with Trial by Jury in Ireland. [15th August, 1876.]

#### CAP. LXXIX.

An Act to make further provision for Elementary Education. [15th August, 1876.]

Whereas it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted, &c.:

#### Preliminary.

1. *Short title.* This Act may be cited as "The Elementary Education Act, 1876."

2. *Extent of Act.* This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland.

3. *Commencement of Act.* This Act shall, save as otherwise expressly provided, come into operation on the first day of January, one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

#### PART I.

##### *Law as to Employment and Education of Children.*

4. *Declaration of duty of parent to educate child.* It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

5. *Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.* A person shall not, after the commencement of this Act, take into his employment (except as hereinafter in this Act mentioned) any child—

(1) Who is under the age of ten years; or

(2) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any bye-law of the local authority (hereinafter mentioned) made under section seventy-four of "The Elementary Education Act, 1870," as amended by "The Elementary Education Act, 1873," and this Act, and sanctioned by the Education Department.

6. *Penalty for employing a child in contravention of Act.* Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

7. *Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.* The provisions of this Act respecting the employment of children shall be enforced—

(1) In a school district within the jurisdiction of a school board, by that Board; and

(2) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and if it is a parish, by the guardians of a union comprising such parish.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one-third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of "The Elementary Education Act, 1870," in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions.

8. *Employment and education of children in factories, &c.* Whereas by sections four and fifteen of "The Workshop Regulation Act, 1867," provision is made respecting the education of children employed in workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts, 1844 and 1874: Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine of "The Factory Act, 1844," and sections twelve and fifteen of "The Factory Act, 1874," shall apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to "The Factory Act, 1874," or in workshops subject to the Workshop Acts, 1867 to 1871.

Provided, that section twelve of "The Factory Act, 1874," shall not apply to any child so employed who has attained the age of eleven years before the commencement of this Act.

9. *Exception to prohibition of employment of children.* A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either—

(1) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

- (2) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner; or
- (3) That the employment is exempted by the notice of the local authority hereinafter next mentioned; (that is to say).

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the doors of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

10. *Payment of school fees for poor parents.* The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding three-pence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The twenty-fifth section of "The Elementary Education Act, 1870," is hereby repealed.

11. *Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.* If either—

- (1) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or
- (2) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals; it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

- (1) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or
- (2) That the absence of the child from school has been caused by sickness or any unavoidable cause.

12. *Proceedings on disobedience to order of court for attendance at school.* Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint

made by the local authority, may, if it think fit, order as follows:

- (1) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and
- (2) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may, for each such non-compliance, inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

29 & 30 Viet. c. 118.] A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of "The Industrial Schools Act, 1866," and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

13. *Duty of local authority as to taking proceedings under this Act or 29 & 30 Viet. c. 118.* Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or "The Industrial Schools Act, 1866," to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or "The Industrial Schools Act, 1866," accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

#### Industrial School.

14. *Licence to child sent to industrial school to live out while attending school.* Where a child is sent to a certified industrial school under this Act or "The Industrial Schools Act, 1866," upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a licence under section twenty-seven of "The Industrial Schools Act, 1866," to live out of the school, but the licence shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a certified efficient school.

15. *Amendment as to provision of industrial school by school board.* The consent of one of her Majesty's principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of "The Elementary Education Act, 1873," shall be held to apply to the loan in like manner as if one of her Majesty's principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorized to borrow within the meaning of the first schedule to "The Public Works Loans Act, 1875."

*Day Industrial School.*

16. *Establishment, &c., of day industrial schools.* If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under "The Industrial Schools Act, 1866," certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

Any child authorized by "The Industrial Schools Act, 1866," to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorized by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school—

- (1) A prison authority within the meaning of the "Industrial Schools Act, 1866," and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and
- (2) There may be contributed out of the moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and
- (3) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act, a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees; and
- (4) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

It shall be lawful for her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of "The Industrial Schools Act, 1866," and the Acts amending the same, with such modifications as appear to her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a

certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

*17. Conditions of contribution to day industrial schools.*

The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Education Department relating to the annual parliamentary grant.

*Parliamentary Grant.**18. Contribution for fees of children who obtain certificates.*

Where, during the first five years after the commencement of this Act, or any further period which her Majesty may from time to time fix by Order in Council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, then, subject to the regulations and conditions contained in an order of the Education Department for the time being in force under the first schedule to this Act, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament, the school fees so paid to be reckoned as school pence to be met by the grant payable by the Department.

*19. Amendment of 33 & 34 Vict. c. 75, s. 97, as to conditions of annual parliamentary grant.* So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March, one thousand eight hundred and seventy-seven.

After the thirty-first day of March, one thousand eight hundred and seventy-seven, the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

- (1) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from

voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child; and

- (2) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognized by the Education Department as available for the children of that district, or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and if it does not exceed two hundred, of fifteen pounds; and
- (3) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

20. *Conditions for obtaining parliamentary grant.*] The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

#### Bye-laws.

21. *School attendance committee to have like powers with school boards of enforcing by bye-law attendance of children.*] In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee may if they think fit, and if it is a parish the school attendance committee for the union comprising such parish on the requisition of the parish, but not otherwise, shall make bye-laws respecting the attendance of children at school under section seventy-four of "The Elementary Education Act, 1870," as if such school attendance committee were a school board.

22. *Provision as to requisition of parish.*] The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the bye-laws desired by the parish, and in making and approving the bye-laws the school attendance committee and the Education Department shall consider and have due regard to such representations.

23. *Provision as to bye-laws under s. 74 of "The Elementary Education Act, 1870" (33 & 34 Vict. c. 75), as extended by this Act.*] For the purposes of this Act section seventy-four of "The Elementary Education Act, 1870," and all enactments of that or any other Act referring to bye-laws under that section shall be construed as if "school board" included the authority authorized by this Act to make bye-laws:

Provided that nothing in any bye-law shall authorize the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the bye-laws made by that authority in pursuance of section seventy-four of "The Elementary Education Act, 1870."

#### Administrative Provisions.

24. *Supplemental provisions as to certificates of proficiency and previous attendance at school.*] The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the first schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made, revoke and vary regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certi-

icates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as minutes of the Education Department relating to the annual parliamentary grant.

25. *Certificates of birth for purposes of Act.*] Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent-registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

26. *Returns of registrars of births and deaths to school boards.*] Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

27. *Provision in case of failure of local authority to perform their duty under this Act.*] If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy)—

- If the authority are a school board, may proceed as if such board were a school board in default within the meaning of "The Elementary Education Act, 1870"; and
- If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons.

During the said specified period the person so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including such remuneration, if any, as the Education Department may assign to such persons, shall, to the amount certified by the Education Department to be due, be a debt to her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

28. *Officers of local authority.*] Every local authority, but

subject in the case of a school attendance committee to the approval hereinafter mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any bye-laws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

29. *Power of officer of local authority to enter place of employment.*] If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorized by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty, not exceeding twenty pounds.

30. *Provision as to powers and expenses of school board.*] The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under "The Elementary Education Act, 1870," and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

31. *Expenses of local authority other than school board.*] A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians. The expenses (if any) of a school attendance committee under this Act shall be paid—

- (1) Where the committee is appointed by a council, out of the borough fund or borough rate; and,
- (2) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish:

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

32. *Provisions as to school attendance committee, and appointment of local committee.*] Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them.

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act.

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any bye-laws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the second schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act.

33. *Power to authorize appointment of school attendance committee by urban sanitary authority.*] On the application of the urban sanitary authority of an urban sanitary district

which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorize the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

Any bye-laws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All bye-laws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

34. *Clerk of school attendance committee of guardians, and application of Acts to guardians and school attendance committee.*] In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

Any expenses incurred by officers of guardians in carrying into effect section twenty of "The Elementary Education Act, 1873," when paid by such guardians, may be

charged by them to the parish in respect of which such expenses are incurred.

35. *Charge to parish of money for school fees.* Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

36. *Effect of subsequent appointment of school board.* Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such Board, and then cease so to act for such district; nevertheless, all bye-laws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of "The Elementary Education Act, 1870."

#### Legal Proceedings.

37. *Application of 36 & 37 Viet. c. 86, ss. 23-5, to penalties and punishment for fraudulently obtaining payment of fees.* Sections twenty-three, twenty-four, and twenty-five of "The Elementary Education Act, 1873" (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

38. *No prosecutions except with the authority of two members of a school board or local authority.* No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory bye-laws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

39. *Exemption of employer on proof of guilt of some other person.* Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

#### Miscellaneous.

40. *Adaptation of 36 & 37 Viet. c. 86, s. 3, respecting pau-*

*per children to this Act.* Whereas by section three of "The Elementary Education Act, 1873," provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reached the standard in reading, writing, and arithmetic prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment, or is required by any bye-law under section seventy-four of "The Elementary Education Act, 1870," as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by "The Metropolitan Poor Act, 1867," shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

41. *Dissolution of school board under certain circumstances.* Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of "The Elementary Education Act, 1870," nevertheless by a majority of not less than two-thirds of those who shall vote upon the occasion, and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board, and no requisition has been sent by the Education Department to such school board under section ten of "The Elementary Education Act, 1870," requiring them to supply public school accommodation, it shall be the duty of the Education Department to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the Board.

The Education Department shall publish the order in manner directed by "The Elementary Education Act, 1873," with respect to the publication of notices, and after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all bye-laws previously made by the school board shall continue in force, subject

nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such school district, they may after due notice cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under "The Elementary Education Act, 1870."

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

42. *Provision of offices by school board with consent of Education Department.*] Where a school board satisfy the Education Department that, having regard to the large population of the district of such Board, it is necessary or proper that the Board should provide an office, the Education Department may authorize the Board to provide an office, and the Board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of "The Elementary Education Act, 1873," and the provision of such office shall be deemed to be a work for which a school board is authorized to borrow within the meaning of "The Public Works Loans Act, 1875."

43. *Local authority to send returns.*] The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under "The Elementary Education Act, 1870," to make returns as the Education Department from time to time require.

44. *Amendment of 33 & 34 Vict. c. 75, as to elections to fill casual vacancies in school board.*] From and after the passing of this Act "The Elementary Education Act, 1870," shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule of that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof, shall be construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

45. *Application of 33 & 34 Vict. c. 75, ss. 83, 84, to orders and documents of Education Department.*] The provisions of "The Elementary Education Act, 1870," with respect to orders and documents of the Education Department shall apply to all orders and documents of the Education Department under this Act.

46. *Effect of schedules.*] The schedules to this Act shall have effect as if they were enacted in the body of this Act.

47. *Definition of employment in case of parent.*] A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain shall be deemed for the purposes of this Act to take such child into his employment.

48. *General definitions.*] A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or State-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of her Majesty's inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of her Majesty's principal Secretaries of State.

49. *Provision as to part of a parish.*] A part of a parish

which, by or in pursuance of the Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall, for the purposes of this Act, have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

50. *Construction of this Act with other enactments.*] Where any act, neglect, or default is punishable under this Act, and also under any other enactment, or any bye-law made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or bye-law, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or bye-law only be instituted in respect of the same act, neglect, or default; and any bye-law made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of "The Elementary Education Act, 1870," if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

51. *Temporary modification as to application of Act, and saving for children in employment at passing of Act.*] The provisions of this Act with respect to taking children into employment,

(1) Shall, during twelve months after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and

(2) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

52. *Repeal of Acts.*] The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered, and any remedy or legal proceeding for anything done in pursuance of that enactment may be had and carried on in like manner as if this Act had not passed.

## PART II.

53. *Application of the Act to Scotland.*] In the application of this Act to Scotland the following provision shall have effect:

The provisions of this Act with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant shall apply to Scotland.

## SCHEDULES.

### FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

#### For the Purpose of Employment.

(1) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(a) The standard of reading, writing, and elementary arithmetic fixed by standard four of the code of 1876, or any higher standard:

(2) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and

fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not :

(3) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table :

During the Year.	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic fixed by the following Standard of the Code of 1876, or any higher Standard, namely—	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether Consecutive or not.
1877	Second . . . .	250	Two.
1878	Second . . . .	250	Two.
1879	Third . . . .	250	Three.
1880	Third . . . .	250	Four.

Provided that—

(a) In the case of a school district in which for not less than three years before the commencement of this Act bye-laws have been in force, requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.

(b) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

*For the Purpose of the Payment of Fees.*

(4) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the code of 1876, or such higher standard as may be from time to time fixed by the Education Department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the Education Department :

(5) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may before the time being fixed by the Education Department :

(6) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard be that shown in the following table :

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years.
1877	350	Two.
1878	350	Two.
1879	350	Three.
1880	350	Four.

(7) The Education Department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

(8) The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said percentage, those children who have attended the greatest number of times shall have the preference.

(9) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

(10) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school, or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

#### Miscellaneous.

(11) Attendance for the purpose of this schedule means an attendance as defined by the code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

(12) The code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

#### SECOND SCHEDULE.

##### RULES AS TO A LOCAL COMMITTEE.

(1) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

(2) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

##### RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the third schedule of "The Elementary Education Act, 1870," with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

(4) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

## THIRD SCHEDULE.

## RULE AS TO ELECTION OF SCHOOL BOARD.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum, at a special meeting of the board called for the purpose.

FOURTH SCHEDULE.  
ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 146.	The Workshop Regulation Act, 1867.	Sections 14 and 15.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section twenty-five, so much of section seventy-four, and of any bye-law made thereunder, as is affected by the repeal of section twenty-five, and the rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67.	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section twenty-nine.

## CAP. LXXX.

## An Act to amend the Merchant Shipping Acts.

[15th August, 1876.]

Be it enacted, &amp;c. :

## Preliminary.

1. *Short title.* This Act may be cited as "The Merchant Shipping Act, 1876."

2. *Construction of Act.* This Act shall be construed as one with "The Merchant Shipping Act, 1854," and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876.

3. *Commencement of Act.* This Act shall come into operation on the first day of October, 1876 (which day is in this Act referred to as the commencement of this Act); nevertheless any Orders in Council and general rules under this Act may be made at any time after the passing of this Act, but shall not come into operation before the commencement of this Act.

## Unseaworthy Ships.

4. *Sending unseaworthy ship to sea a misdemeanour.* Every person who sends or attempts to send, or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanour, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanour, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade, or of the governor of the British possession in which such prosecution takes place.

A misdemeanour under this section shall not be punishable upon summary conviction.

5. *Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.* In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

6. *Power to detain unsafe ships, and procedure for such detention.* Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows:

- (1) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.
- (2) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.
- (3) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or re-loading of cargo as the Board think necessary for the protection of human life, and may from time to time vary or add to any such order.
- (4) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (hereinafter mentioned) for the port or district where the ship is detained.
- (5) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey (nominated as hereinafter mentioned), and in such case, if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.
- (6) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.
- (7) The Board of Trade may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.

- (8) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may from time to time appoint a sufficient number of fit officers, and may remove any of them.
- (9) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.
- (10) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

7. *Constitution of court of survey for appeals.* A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of her Majesty's principal Secretaries of State, in this Act referred to as a Secretary of State) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge; if a Secretary of State thinks fit at any time, on the recommendation of the Government of any British possession or any foreign State, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the Secretary of State, be added to such list, and if there is no such list shall form such list.

The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith.

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

8. *Powers and procedure of court of survey.* With respect to the court of survey the following provisions shall have effect:

- (1) The case shall be heard in open court;
- (2) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under "The Merchant Shipping Act, 1854";
- (3) The judge may appoint any competent person or persons to survey the ship and report thereon to the court;
- (4) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released;
- (5) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section;
- (6) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

9. *Rules for procedure of court of survey, &c.* The Lord Chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this Act with respect to a

court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act relating to the detention of ships or court of survey means prescribed by such rules.

10. *Liability of Board of Trade and shipowner for costs and damages.* If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention, and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who, on request made to him for that purpose by the Board of Trade, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms as to extension of time and otherwise as to the court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the Secretary of the Board of Trade.

11. *Power to require from complainant security for costs.* Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

12. *Supplemental provisions as to detention of ship.* (1) A detaining officer shall have for the purpose of his duties under this Act the same powers as an inspector appointed by the Board of Trade under "The Merchant Shipping Act, 1854."

(2) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(3) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed.

(4) For the purposes of a survey of a ship under this Act any person authorized to make the same may go on board the ship and inspect the same and every part

thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

- (5) The provisions of "The Merchant Shipping Act, 1854," with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship.

#### *Foreign Ships, Overloading.*

13. *Application to foreign ships of provisions as to detention.* Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:

- (1) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained;
- (2) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case, if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act; and
- (3) Where the owner or master of a ship appeals to the court of survey, the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor, who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognized by a Secretary of State as a consular officer of a foreign State.

#### *Appeal on Refusal of Certain Certificates to Ships.*

14. *Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts.* Whereas by section three hundred and nine of "The Merchant Shipping Act, 1854," and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate;

And whereas under sections eleven and fifty of "The Passengers Act, 1855," and the enactments amending the same, a passenger ship within the meaning of those sections (in this Act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned;

And whereas by section thirty of "The Merchant Shipping Act Amendment Act, 1862," provision is made for preventing a ship from proceeding to sea in certain cases without a certificate from a surveyor or person appointed by the

Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals;

And whereas it is expedient to give in the said cases such appeal as hereinafter mentioned: Be it therefore enacted that—

If a shipowner feels aggrieved,

- (1) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration; or
  - (2) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or
  - (3) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,
- the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is.

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may—

- (1) In the case of a passenger steamer give their certificate under section three hundred and twelve of "The Merchant Shipping Act, 1854," and
- (2) In the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and
- (3) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section thirty of "The Merchant Shipping Act Amendment Act, 1862."

Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenor thereof, shall apply to the court of survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the said two persons agree, there shall be no appeal to the court of survey in pursuance of this section.

#### *Scientific Referees.*

15. *Reference in difficult cases to scientific persons.* If the Board of Trade are of opinion that an appeal under this Act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the court of survey.

#### *Passenger Steamers and Emigrant Ships.*

16. *Exemption of certain steamers from passenger certificates.* Any steamer may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by "The Merchant Shipping Act, 1854," with respect to passenger steamers.

17. *Colonial certificates for passenger ships.* Where the Legislature of any British possession provides for the survey

of and grant of certificates for passenger steamers, and the Board of Trade report to her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping it shall be lawful for her Majesty by Order in Council—

- (1) To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and
- (2) To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without modification or with such modifications as to her Majesty may seem necessary, apply to the certificates referred to in the order; and
- (3) To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

18. *Provision against double survey in case of passenger steamers and emigrant ships.* In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of "The Merchant Shipping Act, 1854," and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under "The Passengers Act, 1855," and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship that is a passenger ship within the meaning of "The Passengers Act, 1855," and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of "The Merchant Shipping Act, 1854," with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

19. *Provision as to survey of foreign passenger steamer or emigrant ship.* Where a foreign ship is a passenger steamer subject to "The Merchant Shipping Act, 1854," and the Acts amending the same, or an emigrant ship subject to "The Passengers Act, 1855," and the Acts amending the same, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at the port of survey, that such ship has been officially surveyed at a foreign port, and are satisfied that the requirements of the said Acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them: Provided that her Majesty may by Order in Council direct that this section shall not apply in the case of an official survey at any foreign port at which it appears to her Majesty that corresponding provisions are not extended to British ships.

20. *Power to modify Passengers Acts as to food, space, and accommodation in emigrant ships.* It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or other particular or thing required by "The Passengers Act, 1855," and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

21. *Provision of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.* Every sea-going passenger steamer and every emigrant

ship shall be provided to the satisfaction of the Board of Trade—

- (1) With means for making the signals of distress at night specified in the first schedule to "The Merchant Shipping Act, 1873," or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and
- (2) With a proper supply of lights inextinguishable in water and fitted for attachment to life buoys.

If any such steamer or ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding fifty pounds.

#### Grain Cargoes.

22. *Stowage of cargo of grain, &c.* No cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

If the managing owner or master of any British ship or any agent of such owner who is charged with the loading of the ship, or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding three hundred pounds, to be recovered upon summary conviction.

#### Deck Cargoes.

23. *Space occupied by deck cargo to be liable to dues.* If any ship, British or foreign, other than home trade ships as defined by "The Merchant Shipping Act, 1854," carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an officer of the Board of Trade or of Customs, in manner directed by sub-section four of section twenty-one of "The Merchant Shipping Act, 1854," and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

24. *Penalty for carrying deck-loads of timber in winter.* After the first day of November, one thousand eight hundred and seventy-six, if a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions; that is to say,

- (a) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or
- (b) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or
- (c) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck;

the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be

recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction.

Provided that a master or owner shall not be liable to any penalty under this section—

- (1) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
- (2) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or
- (3) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

#### Deck and Load Lines.

25. *Marking of deck-lines.*] Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

26. *Marking of load-line on foreign-going British ships.*] With respect to the marking of a load-line on British ships the following provisions shall have effect:

- (1) The owner of every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:
- (2) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:
- (3) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of Customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:
- (4) If default is made in delivering this statement in the case of any ship, any officer of Customs may refuse to enter the ship outwards:
- (5) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:
- (6) The master of the ship shall also enter a copy of this statement in the official log-book:

- (7) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

27. *Marking of load-line in case of coasting vessels.*] With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:

- (1) The owner of every British ship employed in the coasting trade on the coasts of the United Kingdom (except ships under eighty tons register employed solely in that trade) shall, before proceeding to sea from any port, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:
- (2) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship, until notice is given of an alteration:
- (3) He shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the collector or other principal officer of Customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:
- (4) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the collector or other principal officer of Customs of the port of registry of the ship notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.
- (5) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered the owner shall be liable to a penalty not exceeding one hundred pounds:
- (6) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

28. *Penalty for offences in relation to marks on ships.*] Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

#### Investigation into Shipping Casualties.

29. *Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.*] For the purpose of rendering investigations into shipping casualties more speedy and effectual, it shall be lawful for the Lord High Chancellor of Great Britain to appoint from time to time some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner; and in case it shall become necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of "The Merchant Shipping Act, 1854," and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices, and all the provisions of the Mer-

chant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of "The Merchant Shipping Act, 1854," shall apply to investigations held by a wreck commissioner.

30. *Assessors and rules of procedure on formal investigations into shipping casualties.*] The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

The commissioner, justices, or authority, when of opinion that the investigation is likely to involve the cancellation or suspension of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service, to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord High Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made, revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to such parties and persons or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

31. *Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Viet. c. 104, s. 448.*] A wreck commissioner may, at the request of the Board of Trade, by himself, or by some deputy approved by the Board of Trade, institute the same examination as a receiver of wreck under section four hundred and forty-eight of "The Merchant Shipping Act, 1854," and shall for that purpose have the powers by that section conferred on a receiver of wreck.

32. *Power to hold inquiries or formal investigations as to stranded and missing ships.*] In the following cases—

- (1) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or
- (2) Whenever a British ship has been lost, or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of "The Merchant Shipping Acts, 1854 to 1876," shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of "The Merchant Shipping Act, 1854."

33. *Place of investigation.*] A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

#### Miscellaneous.

34. *Enforcing detention of ship.*] Where, under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of her Majesty, or any officer of the Board of Trade or Customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence,

shall forfeit and pay to her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

35. *Service of order on master, &c.*] Where any order, notice, statement, or document requires, for the purpose of any provision of this Act, to be served on the master of the ship, the same shall be served, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Any such order, notice, statement, or document may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanour.

36. *Ship's managing owner or manager to be registered.*] The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the Custom-house of the ship's port of registry.

Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is intrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

37. *Power for her Majesty by Order in Council to apply certain provisions of Merchant Shipping Acts to foreign ships.*] Whenever it has been made to appear to her Majesty that the Government of any foreign State is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, or of any Act hereafter to be passed amending the same, shall apply to the ships of such State, her Majesty may by Order in Council declare that such of the said provisions as are in such order specified shall (subject to the limitations, if any, contained in the order) apply, and thereupon, so long as the order remains in force, such provisions shall apply (subject to the said limitations) to the ships of such State, and to the owners, masters, seamen, and apprentices of such ships, when not locally within the jurisdiction of such State, in the same manner in all respects as if such ships were British ships.

38. *Provision as to Order in Council.*] Where her Majesty has power under "The Merchant Shipping Act, 1854," or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for her Majesty from time to time to make such order in Council, and by Order in Council to revoke, alter, or add to any order so made.

Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such order in the London Gazette, the order shall, after the date of such publication, or any later date mentioned in the order, take effect as if it were enacted by Parliament.

39. *Fees, salaries, and costs.* On and after the first day of January, one thousand eight hundred and seventy-seven, all fees payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876, or in respect of any services performed by any person employed under the authority of "The Passengers Act, 1855," shall continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under "The Passengers Act, 1855," as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade.

There may be paid out of the moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament: all costs and compensation payable by the Board of Trade in pursuance of this Act.

40. *Legal proceedings in case of offences.* For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under "The Merchant Shipping Act, 1854."

41. *Application of Act to Scotland.* In the application of this Act to Scotland—

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

"Judge of a county court" shall be deemed to include a sheriff and sheriff substitute, and

"Registrar of a county court" shall be deemed to include sheriff clerk, and

"A master of the Supreme Court of Judicature" shall mean the Queen's and Lord Treasurer's Remembrancer.

42. *Application of Act to Ireland.* In the application of this Act to Ireland—

"Judge of a county court" shall be deemed to include "chairman of a county" and "the recorder of any borough,"

"Registrar of a county court" shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the court, of the chairman of a county, or the recorder of a borough;

"Stipendiary magistrate" shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and

"A master of the Supreme Court of Judicature" shall mean one of the masters of the superior courts of common law in Ireland.

43. *Application of Act to Isle of Man.* In the application of this Act to the Isle of Man—

"Judge of a county court" shall mean the water bailiff;

"Stipendiary magistrate" shall mean a high bailiff;

"Registrar of a county court" shall mean a clerk to a deemster or a clerk to justices of the peace;

"A master of the Supreme Court of Judicature" shall mean the clerk of the rolls.

44. *Saving for colonial inland waters.* Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, and the provisions of this Act relating to dock cargo

shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

#### Repeal.

45. *Repeal of Acts.* On and from the commencement of this Act the Acts specified in the first part of the schedule hereto, and on and from the first day of January, one thousand eight hundred and seventy-seven, the Acts specified in the second part of the schedule hereto, shall be repealed to the extent in the third column of that schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, and any Order in Council made in pursuance of any such enactment shall be deemed to have been made under this Act, and this repeal shall not affect—

- (1) Anything done or suffered under any enactment hereby repealed; nor
- (2) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor
- (3) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor
- (4) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Act had not passed.

#### SCHEDULE.

##### PART I.

##### ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Sub-section (4) of section three hundred and one; so much of section three hundred and eighteen as requires the owner of a ship to transmit the declarations therein mentioned; section four hundred and thirty-four; and section four hundred and thirty-seven from "and in case he so requires" inclusive to the end of section; and section four hundred and forty-nine.
34 & 35 Vict. c. 110.	The Merchant Shipping Act, 1871.	Section eleven.
36 & 37 Vict. c. 85.	The Merchant Shipping Act, 1873.	Sections eleven, twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88.	The Merchant Shipping Act, 1875.	The whole Act.

##### PART II.

##### ENACTMENTS REPEALED FROM 1ST JANUARY, 1877.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Sub-section (2) of section four hundred and eighteen.
35 & 36 Vict. c. 73.	The Merchant Shipping Act, 1872.	Section fourteen.

#### CAP. LXXXI.

An Act for amending the Law relating to Crossed Cheques. [15th August, 1876.]

Enacted, &c.:

1. *Short title.* This Act may be cited as "The Crossed Cheques Act, 1876."

2. *Repeal of Acts in schedule.*] The Acts described in the schedule to this Act are hereby repealed, but this repeal shall not affect any right, interest, or liability acquired or accrued before the passing of this Act.

3. *Interpretation.*] In this Act—

"Cheque" means a draft or order on a banker payable to bearer or to order on demand, and includes a warrant for payment of dividend on stock sent by post by the Governor and Company of the Bank of England or of Ireland, under the authority of any Act of Parliament for the time being in force:

"Banker" includes persons or a corporation or company acting as bankers.

4. *General and special crossings.*] Where a cheque bears across its face an addition of the words "and company," or any abbreviation thereof, between two parallel transverse lines, or of two parallel transverse lines simply, and either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally.

Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.

5. *Crossing after issue.*] Where a cheque is uncrossed, a lawful holder may cross it generally or specially.

Where a cheque is crossed generally, a lawful holder may cross it specially.

Where a cheque is crossed generally or specially, a lawful holder may add the words "not negotiable."

Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker, his agent for collection.

6. *Crossing material part of cheque.*] A crossing authorized by this Act shall be deemed a material part of the cheque, and it shall not be lawful for any person to obliterate or, except as authorized by this Act, to add to or alter the crossing.

7. *Payment to banker only.*] Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or to his agent for collection.

8. *Cheque crossed specially more than once not to be paid.*] Where a cheque is crossed specially to more than one banker, except when crossed to an agent for the purpose of collection, the banker on whom it is drawn shall refuse payment thereof.

9. *Protection of banker and drawer where cheque crossed*

*specially.*] Where the banker on whom a crossed cheque is drawn has in good faith and without negligence paid such cheque if crossed generally to a banker, and if crossed specially to the banker to whom it is crossed or his agent for collection being a banker, the banker paying the cheque and (in case such cheque has come to the hands of the payee) the drawer thereof shall respectively be entitled to the same rights, and be placed in the same position in all respects, as they would respectively have been entitled to and have been placed in if the amount of the cheque had been paid to and received by the true owner thereof.

10. *Banker paying cheque contrary to provisions of Act to be liable to lawful owner.*] Any banker paying a cheque crossed generally otherwise than to a banker, or a cheque crossed specially otherwise than to the banker to whom the same shall be crossed, or his agent for collection, being a banker, shall be liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid.

11. *Relief of banker from responsibility in some cases.*] Where a cheque is presented for payment which does not at the time of presentation appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered otherwise than as authorized by this Act, a banker paying the cheque, in good faith and without negligence, shall not be responsible or incur any liability, nor shall the payment be questioned, by reason of the cheque having been crossed, or of the crossing having been obliterated, or having been added to or altered otherwise than as authorized by this Act, and of payment being made otherwise than to a banker or the banker to whom the cheque is or was crossed, or to his agent for collection being a banker (as the case may be).

12. *Title of holder of cheque crossed specially.*] A person taking a cheque crossed generally or specially, bearing in either case the words "not negotiable," shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

But a banker who has in good faith and without negligence received payment for a customer of a cheque crossed generally or specially to himself shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment.

#### SCHEDULE.

##### ACTS REPEALED.

- |                           |   |
|---------------------------|---|
| 19 & 20 Vict. c. 25 . . . | An Act to amend the law relating to cheques or drafts on bankers. |
| 21 & 22 Vict. c. 79 . . . | An Act to amend the law relating to cheques or drafts on bankers. |

## INDEX TO THE PUBLIC GENERAL STATUTES

39 & 40 VICTORIA.

*The figures at the end of the lines denote the pages where the Acts are set out at length in the PUBLIC STATUTES in the SOLICITORS' JOURNAL*

ACCOUNTS OF CHELSEA HOSPITAL. See Chelsea Hospital.  
ACTS OF PARLIAMENT. See Expiring Laws Continuance.  
Statute Law Revision. Turnpike Acts Continuance.

#### ADMINISTRATION OF INTERESTS ESTATES :

To incorporate the Solicitor for the affairs of her Majesty's Treasury, and make further provision respecting the grant of the administration of the estates of deceased persons for the use of her Majesty. Ch. 18. p. 6.

ADMINISTRATION OF JUSTICE. Jurors and Juries (Ireland).  
Admiralty Jurisdiction (Ireland).  
Legal Practitioners.

Appellate Jurisdiction. Notices to Quit (Ireland).

Bankers' Books Evidence. See—

Chairmen of Quarter Nullum Tempus (Ireland).

Seasons (Ireland). Parochial Records (Ireland).

Convict Prisons Returns. Partition Act Amendment.

Cruelty to Animals. Prevention of Crimes Act Amendment.

Sheriff Courts (Scotland). Trade Marks Registration.  
Small Testate Estates Treasury Solicitor.  
(Scotland). Winter Assizes.

ADMIRALTY. See Marine Mutiny.

#### ADMIRALTY JURISDICTION (IRELAND) :

To amend the Court of Admiralty (Ireland) Act, 1867 (30 & 31 Vict. c. 114), and confer a more extended Admiralty Jurisdiction on the Records of Cork and Belfast. Ch. 28. p. 15.

#### AGRICULTURAL HOLDINGS (ENGLAND) ACT AMENDMENT :

For amending so much of the Agricultural Holdings (England) Act, 1875 (38 & 39 Vict. c. 92), as relates to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy. Ch. 74. p. 68.

ANIMALS. See Cattle Disease (Ireland). Cruelty to Animals. Drugging of Animals.

#### APPELLATE JURISDICTION :

For amending the Law in respect of the Appellate

- Jurisdiction of the House of Lords; and for other purposes. Ch. 59. p. 64.
- APPROPRIATION OF SUPPLIES:**  
To apply a sum out of the Consolidated Fund to the service of the year ending the 31st March, 1877, and to appropriate the supplies granted in the session of Parliament, 1876. Ch. 60.
- ARMY.** See Mutiny.
- ASSIZES (COUNTY).** See Winter Assizes.
- ATTORNEYS AND SOLICITORS.** See Legal Practitioners.
- BANKERS' BOOKS EVIDENCE:**  
To amend the Law with reference to Bankers' Books Evidence. Ch. 48. p. 54.
- BANKERS' DRAFTS AND CHEQUES.** See Crossed Cheques.
- BARRISTER (SAVINGS BANKS).** See Savings Banks.
- BELFAST, RECORDER OF.** See Admiralty Jurisdiction (Ireland).
- BIRDS PRESERVATION.** See Wild Fowl Preservation.
- BISHOPRIC OF TRURO.** See Truro Bishopric.
- BOSTON VOTERS.** See Norwich and Boston Corrupt Voters.
- BURGESSES (SCOTLAND):**  
To assimilate the Law of Scotland to that of England respecting the creation of Burgesses. Ch. 12.
- BURGHs (SCOTLAND):**  
To amend the Law in Scotland in Regard to the division of Burghs into Wards. Ch. 25.  
To make provision for lighting Burghs in Scotland with Gas. Ch. 49.
- CATTLE DISEASE (IRELAND):**  
To amend the Acts relating to Cattle Disease in Ireland. Ch. 51.
- CHAIRMEN OF QUARTER SESSIONS (IRELAND):**  
To amend the Laws relating to the Jurisdiction of Chairmen of Quarter Sessions in Ireland. Ch. 71.
- CHELSEA HOSPITAL:**  
To extend the provisions of the Exchequer and Audit Departments Act, 1866 (29 & 30 Vict. c. 39), to the Accounts of the Commissioners for the Government of the Royal Hospital at Chelsea. Ch. 14.
- CHEQUES ON BANKERS.** See Crossed Cheques.
- CHILDREN.** See Elementary Education. Orphan and Deserted Children (Ireland).
- CHURCH DISCIPLINE ACT AMENDMENT.** See Appellate Jurisdiction.
- CHURCH OF ENGLAND.** See Truro Bishopric.
- CIVIL SERVICE.** See Superannuation.
- COLOMBO HARBOUR.** See Public Works Loans.
- COMMISSARY COURTS (SCOTLAND).** See Sheriff Courts (Scotland).
- COMMONS:**  
For facilitating the regulation and improvement of Commons, and for amending the Acts relating to the inclosure of Commons. Ch. 56. p. 55.
- CONFIRMATION OF EXECUTORS.** See Sheriff Courts (Scotland). Small Testate Estates (Scotland).
- CONSOLIDATED FUND:**  
To apply the sum of £4,080,000 out of the Consolidated Fund to the service of the year ending the 31st March, 1876. Ch. 2.  
To apply the sum of £10,029,550 5s. 1d. out of the Consolidated Fund to the service of the years ending the 31st March, 1875, 31st March, 1876, and 31st March, 1877. Ch. 4.  
To apply the sum of £11,000,000 out of the Consolidated Fund to the service of the year ending the 31st March, 1877. Ch. 15.  
To apply a sum of the Consolidated Fund to the service of the year ending the 31st March, 1877, and to appropriate the supplies granted in the session of Parliament, 1876. Ch. 60.
- CONVICT PRISONS RETURNS:**  
To amend the Law respecting certain Returns from Convict Prisons. Ch. 42.
- COUNCIL OF INDIA:**  
To amend the Law relating to certain Appointments to Council of India. Ch. 7. p. 3.
- CROSSED CHEQUES:**  
For amending the Law relating to Crossed Cheques. Ch. 81. p. 88.
- CRUELTY TO ANIMALS:**  
To amend the Law relating to Cruelty to Animals. Ch. 77. p. 71.
- CUSTOMS:**  
For consolidating the Duties of Customs. Ch. 35.  
To consolidate the Customs Laws. Ch. 36. p. 19.
- CUSTOMS AND INLAND REVENUE:**  
To grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. Ch. 16. p. 4.
- DESERTION.** See Mutiny.
- DISFRANCHISEMENT OF VOTERS.** See Norwich and Boston Corrupt Voters.
- DIVIDED PARISHES.** See Poor Law.
- DRAFTS ON BANKERS.** See Crossed Cheques.
- DRUGGING OF ANIMALS:**  
To prevent the Administration of Poisonous Drugs to Horses and other Animals. Ch. 13. p. 4.
- EAST INDIA.** See Council of India. Royal Titles. Slave Trade.
- ECCLIESIASTICAL COMMISSIONERS.** See Truro Bishopric.
- EDUCATION.** See Elementary Education.
- ELEMENTARY EDUCATION:**  
To make further provision for Elementary Education. Ch. 79. p. 74.
- ELVER FISHING:**  
To amend the Law relating to Elver Fishing. Ch. 34.
- EPPING FOREST:**  
To extend the time for the Epping Forest Commissioners to make their Final Report. Ch. 3.
- ESTATES.** See Partition Act Amendment. Settled Estates Act Amendment.
- EVIDENCE.** See Bankers' Books Evidence.
- EXCHEQUER BONDS:**  
To raise the sum of £4,080,000 by Exchequer Bonds. Ch. 1.
- EXCHEQUER AND AUDIT DEPARTMENTS.** See Chelsea Hospital.
- EXCISE.** See Customs and Inland Revenue.
- EXECUTORS.** See Small Testate Estates (Scotland).
- EXHAUSTED PARISH LANDS:**  
To make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private roads. Ch. 62.
- EXPIRING LAWS CONTINUANCE:**  
To continue various expiring Laws. Ch. 69.
- FISHERIES.** See Elver Fishery. Salmon Fisheries.
- FRIENDLY SOCIETIES:**  
To amend the Friendly Societies Act, 1875 (38 & 39 Vict. c. 60). Ch. 32.  
— See also Industrial and Provident Societies. Trade Unions.
- GOVERNMENT OF INDIA.** See Council of India.
- GRENADA.** See St. Vincent, Tobago, and Grenada Constitution.
- HALF-PAY COMMUTATION.** See Pensions Commutation.
- HIGH COURT OF JUSTICE.** See Appellate Jurisdiction.
- HORSES, DRUGGING OF:**  
To prevent the Administration of Poisonous Drugs to Horses and other Animals. Ch. 13. p. 4.
- HOUSE OF LORDS.** See Appellate Jurisdiction.
- INCLOSURE ACTS AMENDMENT.** See Commons.

- INCOME TAX.** See Customs and Inland Revenue.
- INDIA.** See Council of India. Royal Titles. Slave Trade.
- INDUSTRIAL SCHOOLS.** See Elementary Education.
- INDUSTRIAL AND PROVIDENT SOCIETIES:**  
To consolidate and amend the Laws relating to Industrial and Provident Societies. Ch. 45.
- INLAND REVENUE.** See Customs and Inland Revenue.
- INTERSTATES' ESTATES.** See Treasury Solicitor.
- ISLE OF MAN:**  
To make provision respecting the Superannuation Allowances or Pensions of Persons employed in the Service of her Majesty in the Government of the Isle of Man. Ch. 43.  
— See also Customs.
- JUDICATURE ACTS AMENDMENT.** See Appellate Jurisdiction.
- JURORS AND JURIES (IRELAND):**  
To amend the Laws relating to the Qualification of Jurors in Ireland. Ch. 21.
- LANDLORD AND TENANT (IRELAND) ACT AMENDMENT.** See Notices to Quit (Ireland).  
To amend the Procedure connected with Trial by Jury in Ireland. Ch. 78.
- LEGAL PRACTITIONERS:**  
To amend the Law relating to Legal Practitioners. Ch. 66. p. 69.
- LEGAL PRACTITIONERS (IRELAND):**  
To amend the Law relating to Legal Practitioners in Ireland. Ch. 44. p. 59.
- LICENCES.** See Customs and Inland Revenue. Publicans' Certificates (Scotland).
- LIGHTHOUSES.** See Local Light Dues.
- LOANS.** See Metropolitan Board of Works. Public Works.
- LOCAL GOVERNMENT BOARD.** See Poor Law. Poor Law (Ireland).
- LOCAL LIGHT DUES:**  
To authorize the Reduction of Local Light Dues. Ch. 27.
- MARINE INSURANCES.** See Sea Insurances.
- MARINE MUTINY:**  
For the Regulation of her Majesty's Royal Marine Forces while on Shore. Ch. 9.
- MEDICAL ACT AMENDMENT:**  
For enabling legally qualified Medical Practitioners to hold certain public Medical Appointments, and for amending the Medical Act (21 & 22 Vict. c. 90). Ch. 40.  
To remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex. Ch. 41.
- MEDICAL PRACTITIONERS.** See Medical Act Amendment.
- MERCHANT SHIPPING:**  
To amend the Merchant Shipping Acts. Ch. 80. p. 82.
- METROPOLITAN BOARD OF WORKS:**  
For further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. Ch. 55.
- METROPOLITAN POOR ACT.** See Poor Law.
- MUNICIPAL CORPORATIONS (IRELAND):**  
To extend the Privileges of Municipal Corporations in Ireland. Ch. 76.
- MUNICIPAL CORPORATIONS (SCOTLAND).** See Burghesses (Scotland). Burghs (Scotland).
- MUTINY:**  
For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. Ch. 8.  
For the Regulation of her Majesty's Royal Marine Forces while on Shore. Ch. 9.
- NAVY.** See Marine Mutiny.
- NORWICH AND BOSTON CORRUPT VOTERS:**  
To suspend for a limited period the holding of an Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain voters for the said City, and also certain voters for the Borough of Boston. Ch. 72.
- NOTICES TO QUIT (IRELAND):**  
To render necessary in Ireland a Year's Notice to Quit to determine a Tenancy from Year to Year, and otherwise to amend the Law as to Notices to Quit. Ch. 63.
- NULLUM TEMPUS (IRELAND):**  
To assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown. Ch. 37.
- OFFICES, DUTIES ON.** See Customs and Inland Revenue.
- ORPHAN AND DESERTED CHILDREN (IRELAND):**  
To extend the Limits of Age up to which, with the assent of Boards of Guardians, orphan and deserted pauper Children may be supported out of Workhouses in Ireland. Ch. 38.
- PARISH APPRENTICES.** See Poor Law.
- PARISH LANDS, SALE OF.** See Exhausted Parish Lands.
- PARISHES.** See Poor Law.
- PARISHES (SCOTLAND).** See United Parishes (Scotland).
- PAROCHIAL RECORDS (IRELAND):**  
To amend the Law relating to Parochial Records. Ch. 58.
- PARTITION ACT AMENDMENT:**  
To amend the Partition Act, 1863 (31 & 32 Vict. c. 40). Ch. 17. p. 6.
- PAUPER CHILDREN.** See Elementary Education. Orphan and Deserted Children. Poor Law.
- PENSIONS.** See Superannuation.
- PENSIONS COMMUTATION ACT AMENDMENT:**  
To amend the Pensions Commutation Act, 1861 (34 & 35 Vict. c. 36). Ch. 73.
- PHOTOGRAPHING OF CRIMINALS.** See Prevention of Crimes Act Amendment.
- POISONOUS DRUGS.** See Drugging of Animals.
- POLICIES (MARINE).** See Sea Insurances.
- POLLUTION OF RIVERS.** See Rivers Pollution Prevention.
- POOR LAW:**  
To provide for the better arrangement of divided Parishes and other local areas, and to make sundry amendments in the Law relating to the Relief of the Poor in England. Ch. 61.
- POOR LAW (IRELAND):**  
To amend the Law for the Relief of the Poor in Ireland in respect of rating and chargeability on Poor Law Unions. Ch. 50.  
— See also Orphan and Deserted Children (Ireland).
- PORTPATRICK AND BELFAST AND COUNTY DOWN RAILWAYS.** See Public Works Loans.
- POST-OFFICE.** See Superannuation. Telegraphs.
- PRESCRIPTION.** See Nullum Tempus (Ireland).
- PREVENTION OF CRIMES ACT AMENDMENT:**  
To amend the Prevention of Crimes Act (34 & 35 Vict. c. 112). Ch. 23. p. 15.
- PRISONS RETURNS.** See Convict Prisons Returns.
- PROCTORS.** See Legal Practitioners.
- PROFESSIONAL APPOINTMENTS (COUNCIL OF INDIA).** See Council of India.
- PROVIDENT SOCIETIES.** See Industrial and Provident Societies.
- PUBLICANS' CERTIFICATES (SCOTLAND):**  
To assimilate the Law of Scotland relating to the granting of Licences to sell intoxicating Liquors to the Law of England. Ch. 26.

**PUBLIC WORKS LOANS :**

To grant Money for the purpose of Loans by the Public Works Loan Commissioners, and to amend the Public Works Loan Act, 1875 (38 & 39 Vict. c. 89). Ch. 31.

**QUARTER SESSIONS (IRELAND).** See Chairman of Quarter Sessions (Ireland).**QUEEN ANNE'S BOUNTY.** See Agricultural Holdings (England) Act Amendment.**REGISTRATION (MEDICAL).** See Medical Act Amendment.**REGISTRATION OF TRADE MARKS.** See Trade-Marks Registration.**RIVERS POLLUTION PREVENTION :**

For making further Provision for Prevention of Pollution of Rivers. Ch. 75. p. 68.

**ROYAL MARINES.** See Marine Mutiny.**ROYAL TITLES :**

To enable her most gracious Majesty to make an addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies. Ch. 10. p. 3.

**RULES OF SAVINGS BANKS.** See Savings Banks.**SAINT VINCENT, TOBAGO, AND GRENADA CONSTITUTION :**

To make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada, and their Dependencies. Ch. 10.

**SALE OF INTOXICATING LIQUORS.** See Publicans' Certificates (Scotland).**SALE OF PARISH LANDS.** See Exhausted Parish Lands.**SALMON FISHERIES :**

To amend the Law relating to Salmon Fisheries in England and Wales. Ch. 19. p. 8.

**SAVINGS BANKS :**

To amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks. Ch. 52.

**SCHOOL BOARDS.** See Elementary Education.**SEA INSURANCES :**

To amend the Law relating to Stamping of Policies of Sea Insurance. Ch. 6. p. 3.

**SETTLED ESTATES ACT AMENDMENT :**

To amend the Settled Estates Act, 1856 (19 & 20 Vict. c. 120). Ch. 30. p. 17.

**SHERIFF COURTS (SCOTLAND) :**

To alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto. Ch. 70.

**SHERIFFS (IRELAND).** See Municipal Corporations (Ireland).**SHIPPING.** See Merchant Shipping.**SLAVE TRADE :**

For more effectually punishing Offences against the Laws relating to the Slave Trade. Ch. 46.

**SMALL TESTATE ESTATES (SCOTLAND) :**

For the Relief of Executors of Testates in Scotland where the Personal Estate is of small value. Ch. 24.

**SMUGGLING.** See Customs.**SOLICITOR TO THE TREASURY.** See Treasury Solicitor.**SOLICITORS.** See Legal Practitioners.**SPIRITS.** See Customs. Customs and Inland Revenue.**STAMPS.** See Customs and Inland Revenue. Sea Insurances.**STATUTE LAW REVISION (SUBSTITUTED ENACTMENTS) :**

To facilitate the Revision of the Statute Law by Substituting in certain Acts, incorporating enactments which have been otherwise repealed, a reference to recent Enactments still in force. Ch. 20.

**SUEZ CANAL :**

For making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown. Ch. 67.

**SUPERANNUATION :**

To make provision respecting the Superannuation

Allowances or Pensions of Persons employed in the Service of her Majesty in the Government of the Isle of Man. Ch. 43.

To make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy climates. Ch. 53.

To amend the Law for the payment of Remuneration and the grant of Superannuation Allowances and Gratuities to certain Persons employed under her Majesty's Principal Secretary of State for the War Department and her Majesty's Postmaster-General. Ch. 68.

— See also Customs.

SUPPLY. See Consolidated Fund.

SUPREME COURT OF JUDICATURE ACT. See Appellate Jurisdiction.

SURGEONS OF INFIRMARIES (IRELAND). See Medical Act Amendment.

TARIFF (CUSTOMS). See Customs.

TEA DUTIES. See Customs and Inland Revenue.

TELEGRAPH OFFICERS COMPENSATION. See Pensions Commutation.

**TELEGRAPHS (MONEY) :**

For enabling a further sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870 (31 & 32 Vict. c. 110; 32 & 33 Vict. c. 73; and 33 & 34 Vict. c. 88). Ch. 5.

TENANCIES DETERMINATION. See Notices to Quit (Ireland)

TOBAGO. See St. Vincent, Tobago, and Grenada Constitution.

**TRADE-MARK REGISTRATION :**

For the Amendment of the Trade-Marks Registration Act, 1875 (38 & 39 Vict. c. 91). Ch. 33. p. 18.

**TRADE UNIONS ACT AMENDMENT :**

To amend the Trade Union Act, 1871 (34 & 35 Vict. c. 31). Ch. 22. p. 14.

**TRAMWAYS (IRELAND) ACTS AMENDMENT :**

To amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861 (23 & 24 Vict. c. 152, and 24 & 25 Vict. c. 102), as regards their application to the county and the county of the city of Dublin. Ch. 65.

**TREASURY SOLICITOR :**

To incorporate the Solicitor for the affairs of her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of her Majesty. Ch. 18. p. 6.

**TRIAL BY JURY.** See Jurors and Juries (Ireland).**TRURO BISHOPRIC :**

To provide for the Foundation of a new Bishopric out of a part of the diocese of Exeter. Ch. 54.

**TURNPIKE ACTS CONTINUANCE :**

To continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. Ch. 39.

**UNHEALTHY CLIMATES.** See Superannuation.**UNITED PARISHES (SCOTLAND) :**

To amend the Act 7 & 8 Vict. c. 44, relating to the Formation of quoad sacra Parishes in Scotland. Ch. 11.

**UNSEAWORTHY SHIPS.** See Merchant Shipping.**VICE-ADMIRALTY COURT.** See Appellate Jurisdiction.**VIVISECTION.** See Cruelty to Animals.**VOTERS DISFRANCHISEMENT.** See Norwich and Boston Corrupt Voters.**WAR DEPARTMENT.** See Superannuation.**WEST INDIES.** See St. Vincent, Tobago, and Grenada Constitution.**WILD FOWL PRESERVATION :**

For the Preservation of Wild Fowl. Ch. 29.

**WINE LICENCES.** See Customs and Inland Revenue.**WINTER ASIZES :**

To amend the Law respecting the holding of Winter Asizes. Ch. 57. p. 63.

**WORKHOUSES.** See Poor Law.

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